

OFFICER-INVOLVED FATAL INCIDENT REPORT



Employer Agency: Sonoma County Sheriff's Department
Lead Investigating Agency: Santa Rosa Police Department
Decedent: David Pelaez-Chavez
Date of Incident: July 29, 2022

Report Prepared by:
SONOMA COUNTY DISTRICT ATTORNEY

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Attachment A: Location Photos

Attachment B: Overhead photos and Shooting Location Diagrams

Attachment C: C.V. and Report of Jeff Noble

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I. INTRODUCTION

On July 29, 2022, thirty-six-year-old David Pelaez-Chavez was shot with a firearm by Sonoma County Sheriff's Deputy Michael Dietrick. Mr. Pelaez-Chavez died as a result of those gunshot wounds.

Following Mr. Pelaez-Chavez's death, the Sonoma County Sheriff's Department invoked the Sonoma County Law Enforcement Employee-Involved Fatal Incident Protocol ("protocol"). The purpose of this protocol is to set forth procedures and guidelines to be used by Sonoma County law enforcement agencies in the criminal investigation of specifically defined incidents involving law enforcement employees. Under this protocol an outside law enforcement agency is designated to investigate officer-involved fatalities.¹

In this case, members of the Santa Rosa Police Department assumed responsibility for the investigation of Mr. Pelaez-Chavez's death. Members of the Sonoma County District Attorney's Office participated in the investigation in a supporting role, in accordance with the protocol. Under the protocol the role of the Sonoma County District Attorney's Office is to review the investigation to determine if there exists any criminal liability on the part of involved parties including the law enforcement employees, to provide assistance to the investigating agency regarding legal issues, to supplement the investigation when necessary, and, when appropriate, prosecute those persons believed to have violated the law.

Once the investigation is complete the District Attorney is required by the protocol to complete a thorough review of the investigation and prepare a report summarizing the investigation and documenting her conclusions. A copy of this report is to be submitted to the foreperson of the Sonoma County Grand Jury.

This report includes a summary of facts surrounding the death of David Pelaez-Chavez, a statement of the applicable law, legal analysis and conclusions, as well as a copy of the autopsy report. This report does not and cannot include all of the information contained in the reports and digital media reviewed in its preparation. However, every effort has been made to include in this report a summary of all of the relevant, material evidence gathered by the involved agency and the investigating agencies over the course of its extensive investigation of this death.

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¹ Effective January 1, 2021, the California Legislature enacted Government Code section 12525.3. Section 12525.3 provides that the Attorney General shall investigate officer-involved shooting incidents that result in the death of an unarmed civilian. The Attorney General was made aware of this incident, but took no part in this investigation following their determination that this investigation was related to an officer-involved shooting of an armed civilian, as opposed to that of an unarmed civilian.

II. SCOPE OF REVIEW

The purpose of the District Attorney's investigation and review of any critical incident is to establish the presence or absence of criminal liability on the part of any involved party, including law enforcement employees.

The District Attorney does not examine issues such as compliance with the policies and procedures of any law enforcement agency, police training, or issues involving civil liability. This report should not be interpreted as expressing an opinion on those matters.

III. STANDARD OF REVIEW

The District Attorney is the chief law enforcement official of Sonoma County. The District Attorney is responsible for deciding what cases to prosecute and has the responsibility to review and approve the filing of all criminal cases in the county. The District Attorney has discretion to determine whom to charge, what charges to file and pursue, and what punishments to seek.

The California Rules of Professional Conduct, Rule 3.8, provides that prosecutors shall not institute criminal charges when the prosecutor knows that the charges are not supported by probable cause. Although a prosecutor can institute criminal charges when supported by probable cause, in filed criminal cases the District Attorney has the burden of proving a defendant's guilt beyond a reasonable doubt, the highest burden of proof found in the law. A defendant facing criminal charges is entitled to have the question of their guilt determined by a jury. That jury, consisting of twelve people from the community, must vote unanimously for guilt before a defendant can be convicted of a charged criminal offense.

When determining whether criminal charges are appropriate the District Attorney must consider all of the evidence, including evidence that supports an affirmative defense, such as a claim of self-defense or defense of others. Criminal charges are warranted only when the District Attorney determines that the evidence of guilt is of such convincing force that it would support a conviction for the crime charged by a reasonable and objective jury after hearing all the admissible evidence, including evidence of any defenses.

IV. SUMMARY OF FACTS

A. DECEDENT'S BACKGROUND

Records indicate that David Pelaez-Chavez was born on June 28, 1986. Mr. Pelaez-Chavez is also known as: David Pelaez Chavez, David Pelaiz Chavez, and Juan Aparicio Cuencas. Associated with Mr. Pelaez-Chavez's alias of Juan Aparicio Cuencas is an alternative birth date of June 18, 1987.

In 2009, Mr. Pelaez-Chavez was convicted of felony-level assault in Tulare County, and

in 2012, Mr. Pelaez-Chavez was convicted of negligent discharge of a firearm in Sonoma County. Mr. Pelaez-Chavez's Sonoma County conviction for negligent discharge of a firearm resulted in a sixteen-month prison sentence.

On July 29, 2022, Mr. Pelaez-Chavez was living in Lower Lake, California, a town in Lake County. Mr. Pelaez-Chavez resided with his girlfriend, whom he had known for approximately one year. Mr. Pelaez-Chavez was employed, and he had a brother and nephew who also lived in Lake County at that time.

Mr. Pelaez-Chavez's nephew did not have a close relationship with Mr. Pelaez-Chavez. He did not know where Mr. Pelaez-Chavez lived, did not know what he did for work, and the last time he had seen Mr. Pelaez-Chavez was on New Year's Day approximately eight months earlier. Mr. Pelaez-Chavez's brother also indicated that he did not have a close relationship with Mr. Pelaez-Chavez. Mr. Pelaez-Chavez's brother kept his distance from Mr. Pelaez-Chavez because he was known to be "hot-headed" when he was under the influence. When asked to elaborate, Mr. Pelaez-Chavez's brother indicated that he believed Mr. Pelaez-Chavez was "hot-headed" because he was involved in drugs. He also indicated that when Mr. Pelaez-Chavez was a child in Mexico, he was involved in a fight in which he was "choked out." Mr. Pelaez-Chavez's brother believed that this incident led to a lack of oxygen in Mr. Pelaez-Chavez's brain which caused him to suffer from violent tendencies. Mr. Pelaez-Chavez's brother indicated that he has heard from mutual friends that when Mr. Pelaez-Chavez was using drugs or under the influence of alcohol, he would become violent. As of July 30, 2022, Mr. Pelaez-Chavez's brother had not had contact with Mr. Pelaez-Chavez for two or three months, and although he did not know where his brother lived, he believed Mr. Pelaez-Chavez lived alone in Lower Lake.

Per Mr. Pelaez-Chavez's supervisor at work, Mr. Pelaez-Chavez got along with his co-workers, and he was well-mannered. His supervisor was not aware of any indication Mr. Pelaez-Chavez was a drug user, but he did believe Mr. Pelaez-Chavez was an alcoholic. His employer also indicated that Mr. Pelaez-Chavez spoke broken English and appeared to understand basic conversations in English.

Suspected drug use paraphernalia was located at Mr. Pelaez-Chavez's residence following his death. Methamphetamine, amphetamine, and alcohol were detected in Mr. Pelaez-Chavez's blood following his death, as indicated by testing conducted as part Mr. Pelaez-Chavez's autopsy.

B. EVENTS LEADING UP TO JULY 29, 2022

In the days leading up to July 29, 2022, Mr. Pelaez-Chavez and his girlfriend argued. The arguments began on July 27th when Mr. Pelaez-Chavez believed that he saw a man in the background of a video call he was on with his girlfriend. Mr. Pelaez-Chavez took a screenshot during the video-chat and sent it to her, but there was not anyone else in the background. These circumstances suggested to an investigating detective that Mr. Pelaez-Chavez was delusional or paranoid.

The arguments between Mr. Pelaez-Chavez and his girlfriend continued into the next day. Through text messages, Mr. Pelaez-Chavez accused his girlfriend of having an affair and of

calling the police on him.

Mr. Pelaez-Chavez sent his girlfriend a text message on July 28th, at 9:17 p.m., stating something similar to “Last night I drove around looking for an officer to stop me and to not stop until I crashed.” The next message from Mr. Pelaez-Chavez reads something similar to, “I have the same feeling to find them I filled the gas tank.” At 9:51 p.m., Mr. Pelaez-Chavez texted her “I’m going to crash, I can’t keep my eyes open.”

Mr. Pelaez-Chavez also sent his girlfriend voice messages. On July 29th, at 12:47 a.m., in a voice message, Mr. Pelaez-Chavez accused his girlfriend of calling the police on him, and he also told her that he is going to light her car on fire. Mr. Pelaez-Chavez indicated that he believed his girlfriend is involved with another man and “she is going to regret it.” Then, on July 29th, at 1:53 a.m., in another voice message to his girlfriend, Mr. Pelaez-Chavez stated something similar to “You’re going to regret it...I’ll die before I let them get me.”

C. EVENTS ON JULY 29, 2022, PRIOR TO LAW ENFORCEMENT INVOLVEMENT

Abandoned Car

Neither Mr. Pelaez-Chavez’s girlfriend, nor his brother, know why Mr. Pelaez-Chavez was in rural Sonoma County on July 29, 2022.

That morning, at approximately 5:40 a.m., a worker along Highway 128 in rural Healdsburg saw a Nissan sedan driving quickly down a dirt road. The worker located that car approximately ten minutes later, behind a vineyard, but by that time the car was abandoned.

At approximately 7:30 a.m., a report was made to the Sonoma County Sheriff’s Department’s dispatch about the above-described incident, and the caller reported the driver’s actions as suspicious. The dispatch operator speaking to the reporting party indicated that it seemed likely that the car was stolen out of Lake County and was dumped at that location.

At approximately 8:15 a.m., Sonoma County Sheriff’s Department Deputy Michael Dietrick responded to the abandoned car, but determined that the car could not be towed at that time. The above-described car was later determined to be associated with Mr. Pelaez-Chavez.

██████ Tre Monte Lane

██████ Tre Monte Lane is a large property with vineyards in a rural part of Healdsburg, California, in Sonoma County. At 8:13 a.m., Mr. Pelaez-Chavez can be seen in surveillance video footage walking up the unpaved driveway at this property. He has rocks in his hands.

████████████████████ resided at ████████ Tre Monte Lane on July 29, 2022. That morning, at approximately 8:14 a.m., Mr. ████████ was seated at the desk in his home office. Through a

window, Mr. [REDACTED] saw Mr. Pelaez-Chavez walking towards his residence from the east side of his property. Although Mr. [REDACTED] did not recognize Mr. Pelaez-Chavez, he initially thought that Mr. Pelaez-Chavez may be a laborer on the property.

Portions of what Mr. [REDACTED] observed that morning are also captured on a surveillance video. In the video, Mr. Pelaez-Chavez is seen carrying four rocks, and he is barefoot. Mr. Pelaez-Chavez dropped the rocks on the ground, he laid down on the ground, and he drank from a decorative fountain. After he drank from the fountain, Mr. Pelaez-Chavez sprung himself back to a standing position, and picked up the four rocks that vary in size but appear to be comparable to elongated baseballs and softballs, but slightly larger than those familiar items. After Mr. Pelaez-Chavez picked up the rocks, he walked towards the house.



Mr. [REDACTED] observed Mr. Pelaez-Chavez engage in the behavior that was depicted in the surveillance video, and Mr. [REDACTED] described Mr. Pelaez-Chavez's behavior as "odd." Outside of the view of the surveillance video, Mr. Pelaez-Chavez approached a set of doors to the home which lead to a bedroom. As Mr. [REDACTED] walked from his office to meet Mr. Pelaez-Chavez, he heard the sounds of his glass doors shattering. Mr. [REDACTED] then immediately retrieved his pistol from a safe and proceeded to confront Mr. Pelaez-Chavez just outside the shattered bedroom door. Mr. [REDACTED] chased Mr. Pelaez-Chavez heading west, and he fired two warning shots into the air as he followed him. Mr. [REDACTED] yelled for his daughter to call 911, which she did.

As Mr. [REDACTED] followed Mr. Pelaez-Chavez, he saw Mr. Pelaez-Chavez drive away in his gardener's truck, a Chevrolet Silverado. The owner of the Silverado was [REDACTED]. Mr. [REDACTED] had parked his truck in a parking space, and he had left the keys in the ignition as he usually does while he works on that property. While Mr. [REDACTED] was working in the garden, Mr. Pelaez-Chavez approached his truck, opened the driver's door, and got in. Mr. [REDACTED] ran towards to the truck to try to stop Mr. Pelaez-Chavez. Mr. [REDACTED] tried to open the door,

but he was unable to do so as Mr. Pelaez-Chavez had locked it. Mr. Pelaez-Chavez accelerated forward at a high rate of speed. Mr. [REDACTED] tried to hang onto the truck as Mr. Pelaez-Chavez drove away, and as a result Mr. [REDACTED] was dragged approximately twenty feet before he let go. Mr. [REDACTED] described Mr. Pelaez-Chavez as angry. After he stole Mr. [REDACTED]'s truck, Mr. Pelaez-Chavez drove the truck through a gate leading to a vineyard, and then through a fence. After the truck became stuck in a ditch, Mr. Pelaez-Chavez abandoned the truck and fled from Mr. [REDACTED]'s property.



Mr. Pelaez-Chavez caused thousands of dollars' worth of damage at Mr. [REDACTED]'s property and to Mr. [REDACTED]'s truck.

[REDACTED] Tre Monte Lane

[REDACTED] Tre Monte Lane is 2100 feet southwest of [REDACTED] Tre Monte Lane and approximately 600 feet from the ditch where Mr. Pelaez-Chavez abandoned the stolen truck.

On July 29, 2022, [REDACTED] and [REDACTED] resided at [REDACTED] Tre Monte Lane. That morning, Ms. [REDACTED] heard voices outside her home. Ms. [REDACTED] looked through her security cameras and saw Mr. Pelaez-Chavez, walking up her driveway. Ms. [REDACTED] woke up Mr. [REDACTED] and they both went outside to check on Mr. Pelaez-Chavez. Mr. [REDACTED] later estimated this to have occurred at around 8:45 a.m.



Outside, Mr. [REDACTED] saw Mr. Pelaez-Chavez. Mr. Pelaez-Chavez appeared dirty and disheveled. He was also barefoot, and holding three rocks that Mr. [REDACTED] described as similar in size to cantaloupes. Mr. [REDACTED] asked Mr. Pelaez-Chavez, in Spanish, if he could help him. Mr. Pelaez-Chavez then knelt down on his knees and said, “help me help me, there is somebody trying to kill me.” Mr. Pelaez-Chavez spoke to Mr. [REDACTED] in broken English.

Mr. [REDACTED] went into his residence to retrieve a gun. He did this because he had never seen Mr. Pelaez-Chavez before, Mr. Pelaez-Chavez had to go through numerous locked gates to get to Mr. [REDACTED]’s house, and Mr. [REDACTED] knew there was something not right with Mr. Pelaez-Chavez. Mr. [REDACTED] also did not feel comfortable because Mr. Pelaez-Chavez was holding large rocks in his hands, was not speaking clearly, and he appeared out of it. Mr. [REDACTED] described Mr. Pelaez-Chavez as appearing “methed out.”

Mr. [REDACTED] pulled his firearm out when Mr. Pelaez-Chavez stood up. Mr. [REDACTED] asked Ms. [REDACTED] to call 911, and at that time, he also received a call from his neighbor [REDACTED]. Mr. [REDACTED] advised Mr. [REDACTED] that someone had stolen a truck from his property, crashed through several fences and gates on a neighboring property, and crashed onto Mr. [REDACTED]’s property in the stolen truck. Mr. [REDACTED] also expressed his belief that the person then walked up towards Mr. [REDACTED]’s residence.

When Mr. Pelaez-Chavez began to walk away from Mr. [REDACTED], Mr. [REDACTED] ordered him to sit down and wait for the sheriff. Mr. Pelaez-Chavez then ran east towards a hill.

Mr. [REDACTED] tried to follow Mr. Pelaez-Chavez and keep an eye on him, but when Mr. Pelaez-Chavez stood with three rocks in his hands and said, “shoot me shoot me,” Mr. [REDACTED] decided to not engage with Mr. Pelaez-Chavez any further as he had the ability to get away and he did not want to escalate the situation given Mr. Pelaez-Chavez’s erratic behavior.

D. SUMMARY OF INFORMATION PROVIDED THROUGH DISPATCH ON JULY 29, 2022

When a person calls 911, they speak with a dispatcher. The dispatcher can then transmit information to law enforcement personnel in the field in a text format that is visible on a computer screen in a patrol vehicle. Any transmitted text information is also memorialized in a computer-aided dispatch (“CAD”) log. After residents on Tre Monte Lane called 911 on July 29, 2022, a CAD log was generated that memorialized the information that was transmitted by dispatch to deputies that morning.

The CAD log from July 29, 2022, notes a call came in at 8:22 a.m., indicating “SOMEONE JUST THREW A ROCK THRU A WINDOW OF RP’S HOUSE RP’S FATHER IS OUTSIDE LOOKING FOR WHOEVER DID IT”

At 8:41 a.m. there is an update on the CAD log indicating: “OUT WITH RP LOOKS LIKE SUSP HMA STOLE GARDENERS TRUCK BLUE CHEVY SILV HEADED TOWARDS 5314 SHOULD BE NO WAY OUT OF THERE”

At 8:42 a.m., there is an update on the CAD log indicating: “RP IS VERY SCARED & WANTS TO STAY ON THE PHONE UNTIL SOMEONE CAN RETURN TO THE HOUSE”

At 8:48 a.m., there is an update on the CAD log indicating: “***** SUSP IS CURRENTLY AT [REDACTED] TRE MONTE LN GEY *****”

At 8:50 a.m., there is an update on the CAD log indicating: “****MALE WAS BEGGING RP TO KILL HIM, HE HAD 3 LARGE ROCKS IN HIS HANDS *****”

E. SUMMARY OF LAW ENFORCEMENT WITNESS STATEMENTS

Sonoma County Sheriff’s deputies Michael Dietrick and Anthony Powers were dispatched to the incidents involving Mr. Pelaez-Chavez on Tre Monte Lane the morning of July 29, 2022. On July 31, 2022, both deputies were interviewed by Santa Rosa Police Department detectives regarding the events that occurred on July 29, 2022. The following accounts are taken from those recorded interviews. Even when words and phrases in this section are not in quotations, the language and descriptions below are intended to be those used by the deputies during their interviews. The only exception is when an address or identity is obvious from context, but was not used by a deputy, that name or address is used for clarity in the following accounts.

Deputy Anthony Powers

As of July 29, 2022, Deputy Powers had been a Sheriff's deputy for approximately five months. Deputy Powers had previously worked as a police officer with the San Francisco Police Department for approximately three and a half years, and prior to that, Deputy Powers had been an infantryman for eight years in the United States Marine Corp. In the Marines, Deputy Powers was a scout sniper as well as a mountain scout sniper instructor. Deputy Powers's training related to being a scout sniper in the Marines included man-tracking courses and survival courses, as well as a scout sniper team leader course.

On July 29, 2022, Deputy Powers's shift started at 7:00 a.m. He was wearing his tan uniform with Sheriff's patches. Deputy Powers was equipped with a Taser and a handgun. He was also utilizing a body-worn camera. That day, at approximately 8:00 or 8:30 a.m., there was a call dispatched to the north beat units. Deputy Dietrick was dispatched to that call, but there were no other units available, and Deputy Powers volunteered to back him. Deputy Powers, who had been at the main office in Santa Rosa, started to make his way up there.

The dispatch call indicated that a Hispanic male had thrown a rock through a window. As Deputy Powers was still making his way to the scene, he heard Deputy Dietrick say that the suspect stole a truck and had smashed through several gates. When Deputy Powers arrived on scene, the only other deputy present was Deputy Dietrick.

Mr. [REDACTED], another person on scene, indicated that Mr. Pelaez-Chavez "had a rock and was trying to, asked to be killed or something to that effect." Mr. [REDACTED] indicated that Mr. Pelaez-Chavez was there five minutes ago, and that led Deputy Powers to grab his binoculars and start scanning the area. Deputy Powers believed at that time that Mr. Pelaez-Chavez was on foot and was not that far away. Deputy Dietrick then got into a side-by-side with Mr. [REDACTED], and Deputy Powers opted to walk down the hill to see if the suspect was in the underlying brush.

Based on the information he had been provided, Deputy Powers suspected that Mr. Pelaez-Chavez was maybe on some sort of narcotic, like methamphetamine. Based on his prior encounters with people on methamphetamine, Deputy Powers had safety concerns because that type of drug use can cause people to be unpredictable, do things that are out of the ordinary, and have almost superhuman strength and speed.

At the bottom of the big hill, Deputy Powers rejoined Deputy Dietrick. They went through one gate, and then located a second gate that would not open. There, they jumped over a wall and approached buildings on that property. On that property, the deputies were informed that another side-by-side had been taken. With that information, the deputies then believed that Mr. Pelaez-Chavez was continuing in a side-by-side.

The deputies returned to the side-by-side they had been in, and continued to try to find Mr. Pelaez-Chavez. They eventually located another side-by-side that looked like it was trapped in between a rock and a tree. It was still running. Deputy Powers then started making larger and larger circles, and trying to get the high ground to see if he would see where Mr. Pelaez-Chavez was. Deputy Powers, who was aware that Mr. Pelaez-Chavez was barefoot, located a barefoot footprint indicating that Mr. Pelaez-Chavez had gone up the hill. Deputy Powers continued up the hill, located another footprint, and also let Deputy Dietrick know he was seeing signs of Mr.

Pelaez-Chavez.

Deputy Powers said he “[c]ontinued up the hill. I see the subject almost to the very top of the hill. I got down, was looking at him through the bush and I saw that he had two handled tools or weapons in each hand. He looked tired. He was hunched over. Like, he was, I could hear him making noise. I couldn't make out what he was saying. Dietrick made it up to me to the tree and, at this point, we were just observing the subject, seeing what he was doing. At one point, it looked like he actually saw me and said something but from the distance that I was away from him, it was probably fifty yards approximately, and I couldn't hear really what he was saying or. During that time, it looked like, again, he saw me. I let Dietrick know. Uh, Dietrick was asking him if he wanted some water. We were trying to build some sort of, like, communication with him or rapport. Kept asking him if he wanted water. He made some noise and peaked up on the top of the hill and then we lost sight of him.”

Deputy Powers further explained: “After that, we continued up to the peak of the hill. Dietrick saw that he went south off the hill towards the creek, which is probably a few hundred yards from the peak and he had gained quite a bit of distance in that time that we didn't have eyes on him, so I started running down the hill after the subject. I got to the tree line and this whole time, I'm losing elevation and he's deeper in the trees and I, I yell at him something to the effect of stop or and I, I heard him yell something, like, in an aggressive, like, growling voice and he took the weapons, one of the weapons and hit the tree that he was standing in front of.”

In response to Mr. Pelaez-Chavez's behavior, Deputy Powers explained: “[A]fter I saw this, uh, suspect hit the tree, Dietrick and I were then going through the tree line down to the creek. And I looked at Dietrick, and I said something to the effect of, do you want to be lethal or, I think I said, I'll be less lethal, you be my lethal. And he agreed to it. And we were trying to make a tactical plan that if that suspect had dropped a weapon or I had an opportunity, I could deploy less lethal and attempt to take him into custody.” “I would have wanted him to drop the weapon and take him into custody.”

Deputy Powers recalled, “I put it out over, uh, I tried to put it out over the radio that he was making aggressive movements and, uh, being aggressive with a weapon. He then continued losing elevation all the way, what it looked like, the creek. Um, I lost visual of him for a moment. I continued down to the creek. I finally get down to the creek and I, I don't know what made me think that he continued east but I eventually just kept moving and I, I started seeing glimpses of him through the foliage. I tried to gain as much distance but stay back at a safe distance, to where I was following him but not, like, I knew that he had these hand weapons. I knew that he had, like, thrown this rock earlier, um, and I eventually get into a distance, where I can, like, communicate with him.”

Deputy Powers tried to build rapport with Mr. Pelaez-Chavez, trying to make this as safe as possible. Deputy Powers was also trying to get Mr. Pelaez-Chavez to put the weapons down. Deputy Powers believed there was a language barrier, but Deputy Powers does know some words in Spanish. Deputy Powers was asking if Mr. Pelaez-Chavez wanted to call his family, and asking if he wanted water. However, Mr. Pelaez-Chavez continued running. Deputy Powers tried to gain distance so that he could utilize his Taser. Before Deputy Powers was able to get into position to get a good Taser shot Mr. Pelaez-Chavez picked up a big rock. “[H]e turned his body and, and got his arm back like he was gonna throw it at me and I took like three or four

steps back, 'cause I thought he was gonna throw it at me and I still had my Taser out and he put the rock down.”

The dangers this created for Deputy Powers were: “I was shin deep in water. And he had made it out of the water. So he was a little higher than me. I was thinking that if he threw it at me, it would have hit me in the face, and I would have been in, like, a foot and a half, two deep, two feet deep of water.” Deputy Powers was concerned about being rendered unconscious and drowning.

“At this point, he continued and then I could hear Dietrick yelling further up the creek, so I doubled back, got to, I, I saw Dietrick, I saw the subject. There was a, like, this bush overhanging tree that was, like, kinda blocking my view for just a moment and Dietrick's giving him commands. I tried to come up to where I was in line with Dietrick but at the same time, like, uh, triangulating and I could see he had a rock his hand and I could, at that point again, I was, I was attempting to get a good bead with the, with the Taser. He dropped the rock and I deployed the Taser but then he looked like he was continuing to go for that rock again and then in like a flinching kind of, it looked like he was about to throw, pick, he had grabbed the rock and he was, like, coming up again and I, at that point, heard, uh, some shots fired. Dietrick was, like, with that bush, he was in more danger than I was, in terms of, like, being kind of out in the open.”

After Deputy Dietrick shot Mr. Pelaez-Chavez, both deputies ran over to him. “He wasn't moving. He was rolled over. Uh, Dietrick handcuffed him. I pretty soon after that realized that the subject, uh, needed some first aid. I asked Dietrick to unhandcuff him for, like, higher quality CPR, uh, and we did CPR for approximately twenty minutes, switching off. One person would hold the hole on the top of his chest and the other person would do CPR. We did that until, uh, a medic came. We continued CPR, put a chest seal on him. Uh, the, uh, EMT determined he had passed away.”

With respect to the terrain, Deputy Powers indicated: It was very steep in parts. It was dry grass. Parts of it was like loose shale rock down to the creek. It was wooded. There were some points it was so steep that Deputy Powers had to slide down the hill rather than walk. Once Deputy Powers got down to the creek, it was boulders. There were just large, jagged boulders everywhere. Deputy Powers does not believe he had very good radio reception out there, and he did not know how close their closest backup was. Deputy Powers did not know, “couldn't tell ya,” exactly where they were. Deputy Powers estimated that the total pursuit was approximately two miles, one of which was on foot as opposed to in the side-by-side. He estimated the pursuit took approximately one hour. Towards the end of the pursuit, Deputy Powers was very thirsty, and winded. Deputy Powers is a runner who has ran ultra-marathons, and he reported this pursuit involving some of the hardest terrain he's ran over.

With respect to Mr. Pelaez-Chavez's behavior, Deputy Powers further described when Mr. Pelaez-Chavez was hitting the tree. “[H]e yelled back something in, like, this, like, angry yell and hit this tree with whatever weapon he had.” “[I]t was, like, an overhand right hack at this tree that he was standing in front of.” “[T]o me, it meant that he had weapons, and he was displaying them in an aggressive manner. And I attempted to inform dispatch of that incident where he was being aggressive with that hammer. But I don't know if they could hear me.” With respect to what the suspect was holding, “I believe that they were both wooden. One looked like a hammer, and the other one looked like some sort of hatchet or some sort of long, it had some sort of flat,

long, metal, obviously, the heads of whatever weapons or tools they were both metal.” “[T]hey were tools that were definitely weapons.”

In terms of Mr. Pelaez-Chavez’s state of mind, based on asking a resident on Tre Monte Lane to kill him, Deputy Powers was also concerned that Mr. Pelaez-Chavez was trying to provoke people to kill him. A person who is suicidal can be dangerous to citizens and deputies because “they would perform an act aggressively towards a civilian or a deputy to prompt them to defend themselves.”

Deputy Michael Dietrick

As of July 29, 2022, Deputy Dietrick had been a Sheriff’s deputy for approximately five years. Deputy Dietrick had previously worked as a police officer with the Clearlake Police Department for approximately four years.

On July 29, 2022, Deputy Dietrick’s shift started at 7:00 a.m. That day, he was wearing his tan uniform with Sheriff’s patches. Deputy Dietrick was equipped with OC spray, a Taser, and a handgun. He was also utilizing a body-worn camera. That morning, Deputy Dietrick was dispatched to a winery property off of Highway 128 related to a suspicious unoccupied vehicle. Deputy Dietrick responded, was told that around 6:00 a.m. somebody drove a Nissan sedan into the vineyard property, parked it, and left. Deputy Dietrick checked out the car. The plate came back clear, and there was no indication the car was stolen. As Deputy Dietrick was clearing the call for service related to the abandoned car, he received another call indicating that somebody had just broken out the window of their house and the caller’s father was outside with a gun trying to find the guy. Suspecting that the original suspicious vehicle might be connected to the guy breaking out a window, Deputy Dietrick requested an additional unit.

Deputy Dietrick responded to the call about the broken window. He contacted the homeowner, Mr. [REDACTED], who indicated a Hispanic male came up to his house and broke out the window. Mr. [REDACTED] indicated he fired several warning shots and the Hispanic male then jumped into the gardener’s truck and stole it from the property, driving through multiple gates. As Deputy Dietrick spoke to Mr. [REDACTED], Mr. [REDACTED] indicated that he was on the phone with a neighbor, and the suspect was at his house. Deputy Dietrick jumped in his car, and Mr. [REDACTED] jumped in his side-by-side to show Deputy Dietrick where to go. Deputy Dietrick had never driven in that area before and all the vineyard properties get fairly confusing. Deputy Dietrick saw Deputy Powers was close by. Deputy Dietrick determined the safest thing for everyone would be to wait a few minutes for his backup to arrive. At around that time, dispatch advised that the second homeowner was calling in saying that Mr. Pelaez-Chavez was at his house, that he was on his knees crying, and Deputy Dietrick believes that call also indicated Mr. Pelaez-Chavez was still armed with rocks.

After hearing that Mr. Pelaez-Chavez was on his knees and crying, Deputy Dietrick thought that might be a good opportunity to take him into custody. On Deputy Dietrick’s way down the driveway, he saw the stolen Silverado pickup truck in a ditch. Deputy Dietrick arrived at [REDACTED] Tre Monte Lane, and spoke with Mr. [REDACTED]. By the time Deputy Dietrick had arrived at the second home, Mr. Pelaez-Chavez was no longer interacting with Mr. [REDACTED]. Instead, Mr. [REDACTED] indicated Mr. Pelaez-Chavez went down the hill in the eastern direction.

Mr. [REDACTED] told Deputy Dietrick that Mr. Pelaez-Chavez was armed with three boulders, and he had asked Mr. [REDACTED] to shoot him. Although Mr. [REDACTED] was armed with a pistol, he realized that it was not loaded so he retreated back to his house and locked the doors. As that occurred, he saw Mr. Pelaez-Chavez run away.

There were a lot of trails in the area where Mr. Pelaez-Chavez was last seen by Mr. [REDACTED]. Based on Mr. Pelaez-Chavez's behavior thus far, and his pattern of going to homes, the deputies tried to figure out what house Mr. Pelaez-Chavez might go to next. At that time, Deputy Dietrick was aware that Mr. Pelaez-Chavez was potentially connected to a stolen vehicle, broke a window at one home, had warning shots fired at him, stole a truck, and went to a second house with another armed homeowner.

Mr. [REDACTED] offered to assist the deputies respond to another area residence to see if they could locate the suspect. Mr. [REDACTED] indicated he could take them in a side-by-side, and he also had a key to the gate. Deputy Dietrick rode in the side-by-side with Mr. [REDACTED], and Deputy Powers continued down the hill on foot, both looking for Mr. Pelaez-Chavez. Deputy Powers joined Deputy Dietrick and Mr. [REDACTED] in the side-by-side, and they made their way to the third house. At the third house, the deputies jumped the fence and were able to speak with someone who worked there but indicated they had not seen the suspect. The deputies checked on the main residence on the third property and found that everything appeared secure. The deputies were recontacted by the person working on the property; that person then indicated a four-by-four (later determined to be a side-by-side) had been stolen from down near the stables. The employee also told the deputies there was a gate at the east end of the property that is never open, but currently is.

Mr. [REDACTED] continued to help the deputies by transporting them in his side-by-side through the now-open gate at the east end of the third property. They attempted to follow what appeared to be tracks on a dirt road, and although they lost the trail, they located another gate that was closed, but unlatched. After crossing through that gate, they believed they located more tracks. As they travelled, Deputy Dietrick could see just a little bit of a reflective red surface. Deputy Dietrick told Deputy Powers about the reflective red surface, and they went to investigate what Deputy Dietrick had seen. It was the side-by-side that had been stolen from the third property. The stolen side-by-side was running, and appeared to be stuck, but nobody appeared to be around.

The deputies continued heading east because that seemed to be the direction Mr. Pelaez-Chavez was headed. At this time, Deputy Dietrick was aware that a helicopter was enroute, with an estimated time of arrival in approximately thirty minutes. As the deputies continued east, Deputy Dietrick thought he heard somebody yell. Deputy Powers got eyes on Mr. Pelaez-Chavez, and he indicated he was going to try to sneak up towards him and just keep eyes on him until they could get more resources there. The deputies tried to conceal themselves and wait for more resources after they located Mr. Pelaez-Chavez. However, Mr. Pelaez-Chavez saw them. Deputy Dietrick no longer thought they could just wait for additional resources before Mr. Pelaez-Chavez just ran off again. Therefore, Deputy Dietrick tried to deescalate Mr. Pelaez-Chavez a little bit, or tried to establish some kind of rapport.

Deputy Dietrick stepped out from behind a tree. He could see that Mr. Pelaez-Chavez had "a hatchet in one hand and, um, some kind of long handled tool in the other, a hammer or a pick

or some kinda long handled tool or blunt instrument. Um, so he was holding those.” Deputy Dietrick said something to the effect of “mi amigo, no problemas.” Deputy Dietrick doesn’t speak Spanish, but he knows a few words. Mr. Pelaez-Chavez continued to “pac[e] back and forth with the, with the weapons in his hands, um, just, uh, appeared to be agitated, not wanting to come down to us or listen to us. Um, I offered him water. Um, I didn’t have any water, but I thought that that might be, you know, something to kinda build rapport with him. Um, I knew I was exhausted and wanted water. Um, I thought that might be a good, you know, tool to try to get him to come down.” Based on Mr. Pelaez-Chavez’s erratic behavior, and the fact that he was barefoot, Deputy Dietrick thought Mr. Pelaez-Chavez might be under the influence of methamphetamine, and because dry mouth is a side effect of methamphetamine use, Deputy Dietrick thought offering water may entice Mr. Pelaez-Chavez to calm down and talk to them. Deputy Powers also tried communicating with Mr. Pelaez-Chavez in a similar fashion. The deputies were trying to build rapport and deescalate.

Mr. Pelaez-Chavez backed up, then then started running east over the hill. The deputies immediately lost sight of Mr. Pelaez-Chavez, so they started running up the hill. Deputy Dietrick thought it was a miracle they found Mr. Pelaez-Chavez, and he did not want to lose sight of him again. Deputy Dietrick was concerned for Mr. Pelaez-Chavez’s safety, as well as the safety of anyone Mr. Pelaez-Chavez encounters. At the top of the hill, the deputies could not initially see Mr. Pelaez-Chavez, but as they were clearing the top of the hill, Deputy Dietrick saw Mr. Pelaez-Chavez running down another hill towards the creek. The deputies tried to run after Mr. Pelaez-Chavez. Deputy Powers was in front, and Deputy Dietrick tried to keep up with his pace. The hill was extremely steep, and it took a lot for Deputy Dietrick just to stay on his feet.

Deputy Dietrick saw Deputy Powers stop, and heard him yell really loudly something to the effect of “drop it” or “put it down.” Deputy Powers said Mr. Pelaez-Chavez had hit the tree with the ax and he was still not dropping the two weapons that he had. As the deputies continued following Mr. Pelaez-Chavez, they had a conversation that Deputy Powers would go taser and Deputy Dietrick would go lethal cover. Mr. Pelaez-Chavez went down a very steep cliff towards the creek, and the deputies again lost sight of him. Due to the steepness, Deputy Dietrick fell and slid for the last few feet. Deputy Dietrick could see that Mr. Pelaez-Chavez still had the weapons in his hands despite going down that rough terrain even though it would have been easier for him to get away or get to the bottom of the cliff if he had dropped them. The deputies chased Mr. Pelaez-Chavez throughout the creek, telling him to stop numerous times. Deputy Powers was out in front the whole time, Deputy Dietrick was having a really hard time keeping up because he was exhausted.

Deputy Dietrick wanted to take Mr. Pelaez-Chavez into custody, both for the crimes he committed and because of potential other crimes he might commit if the deputies did not catch him. Deputy Dietrick was concerned about what other house Mr. Pelaez-Chavez was going to go to.

While chasing Mr. Pelaez-Chavez through the creek bed, Deputy Dietrick heard the helicopter. He tried to direct them to where they were. He “heard them say something to the effect of we can, we can see you guys, but the, the treetop cano, canopy is pretty thick so we, we don’t have a great view of you guys, so I knew they could only see us in kinda bits and pieces as we went through the creek.” As Deputy Dietrick trekked through this area, “it was very rocky, um, intermittent patches of water. At one point there was like a wire fence, um, stretched across

the creek so it was, uh, there was blackberry bushes. There is branches everywhere. It was extremely difficult terrain to navigate through.” Deputy Dietrick, while trying to catch up to Deputy Powers and Mr. Pelaez-Chavez, saw that there was somewhat of a straight path continuing up the creek bed as the creek bed took a big turn. Deputy Dietrick went that way to try to catch up, which he was able to do.

After Deputy Dietrick caught up to Deputy Powers and Mr. Pelaez-Chavez, he recalls, “I was basically parallel with the suspect. Um, the suspect saw me, and rather than continuing in the creek bed as he had been this whole time, he turned towards me and started walking up the bank straight towards me. Um, pulled my gun out. Um, I knew that Deputy Powers was now trying to, I could see like out of the corner of my eye he was trying to come up to where we were. Um, you know, we didn't have a lot of time to talk about it besides that brief moment of, um, he would go Taser, I would go lethal cover, so, um, you know, I'm, I'm trying to hold lethal cover on him, um, and as he's comin' up the creek bed towards me, um, I could see that he still has, um, both the ax, and now I can see that there are, what looked to be a hammer, uh, in his left hand and a large rock in his right hand. Uh, I would say the rock is, was probably the size of like a cantaloupe. Um, so he, he's comin' towards me. I, I'm trying to, um, you know, I've got my, my pistol pointed at him. He, he, he gets, um, I don't know, approximately ten feet, fifteen feet maybe away from me. Um, he stops, and he raises both of his arms like up, and but he looks up at the helicopter, which is directly above us at this point, and, you know, I'm, I'm, I'm on the cusp of, of potentially shooting him at that point because I, as he's raising the, his arms up, you know, I think that maybe he's getting ready to throw one of the, the weapons at me or maybe charge towards me, um, but I kinda held off for a second. Um, you know, I knew it was a risk, but I was trying just to buy a little bit more time until, you know, maybe Deputy Powers could come up with the Taser, um, but, and then I, he looks completely up at the, at the helicopter and starts yelling something at the helicopter, so I knew his, that's where his attention was, um, and he, he was screaming something at the helicopter, um, still very, very aggressive speech. Um, he was speaking in Spanish. I don't know exactly what he said but, um, you know, he was yelling. Um, it sounded very aggressive. Um, he, he lowered his arms, um, and that's when Deputy Powers had, had gotten off to my left-hand side, um, and, um, the suspect looked over at me, kinda looked back over at Deputy Powers, and he put his hands, um, which were both still holding the, the rock and the two weapons. He put his hands kinda like on his knees like he was resting for a moment, um, and I don't know if he intentionally dropped the rock or if it slipped out, but the rock left his hand and hit the ground. He's still holding the ax and the hammer in his left hand, um, and then he looks back over at me, kinda takes one step back and then reaches down with his right hand to pick up the rock that he had just dropped[.]” “[H]e looked down at the ground. Then he looked over at me. Um, then he took a step back with I believe it was his left leg, and then reached down with his right hand and picked up the rock that had just fallen from his hand.”

Deputy Dietrick believed Mr. Pelaez-Chavez could have reached either deputy had he thrown the rock or either of the tools. Deputy Dietrick was concerned that the Mr. Pelaez-Chavez's use of those items could cause him to lose consciousness, knock him out, and leave him incapable of protecting himself or helping Deputy Powers. Deputy Dietrick “felt like his next move was going to be to, once that rock was in his hand, he was gonna throw it at me.”

Deputy Dietrick continues in his description: “[A]s he's goes to pick it up, I feel like, hmm, I'm sorry, um, I feel like there is nothing else that I could do at this point. I can't, I feel like the next move he is gonna make is to throw that rock at me, um, which is gonna potentially, you

know, knock me out, you know, break my ankle. I, I, you know, I don't, I don't know. Um, but he picks it up. As he is picking it up and looking over at me, I just felt like there was no other choice, nothin' else more I could do, and, uh, I discharged my, my firearm, uh, approximately three times, um, striking the suspect and, um, he, the weapons fell from his hands.”

F. LOCATION OF INVOLVED EVENTS

During their investigation, a detective team from the Santa Rosa Police Department walked through the area where the events on July 29, 2022, occurred. Their intention was to start in the area east of [REDACTED] Thomas Road, travel through the mountainous terrain, and ultimately end where the shooting occurred. They attempted to follow a similar path as Deputies Dietrick and Powers, using the deputies’ body camera footage as a general guide.

The detective who authored a report related to a scene walk-through indicated: “At the conclusion of this walk-through, I was able to fully comprehend the ruggedness [of the] terrain as described by Deputy Dietrick and Deputy Powers during their interviews. Especially during my travels into the creek bed, I was unsteady on my feet and lost balance several times. I noted that [five other detectives] each commented on how difficult the terrain was and we were all exhausted by the time we were completed. I will also add that I suffered a laceration approximately 4 inches long to my left shin after I tripped on hidden barbwire along the creek bed near the scene of the shooting. This unexpected injury allowed me to fully comprehend the dangers of the terrain.”

Representative photos from the terrain between [REDACTED] Tre Monte Lane and the specific location of the shooting are included in Attachment A.

Although factors such as elevation and tree cover fluctuated between [REDACTED] Tre Monte Lane and the specific location of the shooting, historical weather records indicate that the temperature the morning of July 29, 2022, between 9:00 a.m. and 10:00 a.m. in that area was approximately in the low 60’s. Those records also indicate sunshine, some clouds, and little to no wind.

During the investigation, the location of the shooting was determined to be associated with GPS coordinates 38.61369970, -122.72236580. Overhead photos, taken from Google Maps, depict the location of the shooting relative to the homes on Tre Monte Lane that are referenced in Section C, and are included in Attachment B. A Sheriff’s Department helicopter was in the area where Deputy Dietrick shot Mr. Pelaez-Chavez at the time of the shooting. Video of the area at that time was captured from the helicopter. A screenshot from that video is depicted below, the blue “X” denoting where the deputies and Mr. Pelaez-Chavez are located soon after the shooting occurred. Additional screenshots from the helicopter video are also included in Attachment B.



During the investigation, two-dimensional diagrams were created of the immediate area where the shooting occurred. Those diagrams are included in Attachment B. Additionally, representative photos from the location of the shooting are included in this report on pages 22 and 23 in Section G below.

G. ADDITIONAL INFORMATION FROM BODY WORN CAMERA VIDEO

The body worn cameras used by Deputies Dietrick and Powers on July 29, 2022, have a frame rate of approximately thirty frames per second. Portions of the body worn camera videos in this case were separated into individual frames for analysis.

As Deputy Powers scanned the location around [REDACTED] Tre Monte Lane, and began to walk through the terrain, it is evident that the landscape is rugged and steep. Throughout the deputies' pursuit of Mr. Pelaez-Chavez, there were often not clear paths, and at times the deputies had to take deliberate steps through overgrown grass, weeds, brush, and other plants. At times, it appeared challenging to see anything at ground level at a distance due to changes in elevation and vegetation. The locations where Deputies Dietrick and Powers pursued Mr. Pelaez-Chavez on July 29, 2022, was rural and remote, and although there are some homes in the area, those homes are spread out from one another and isolated.

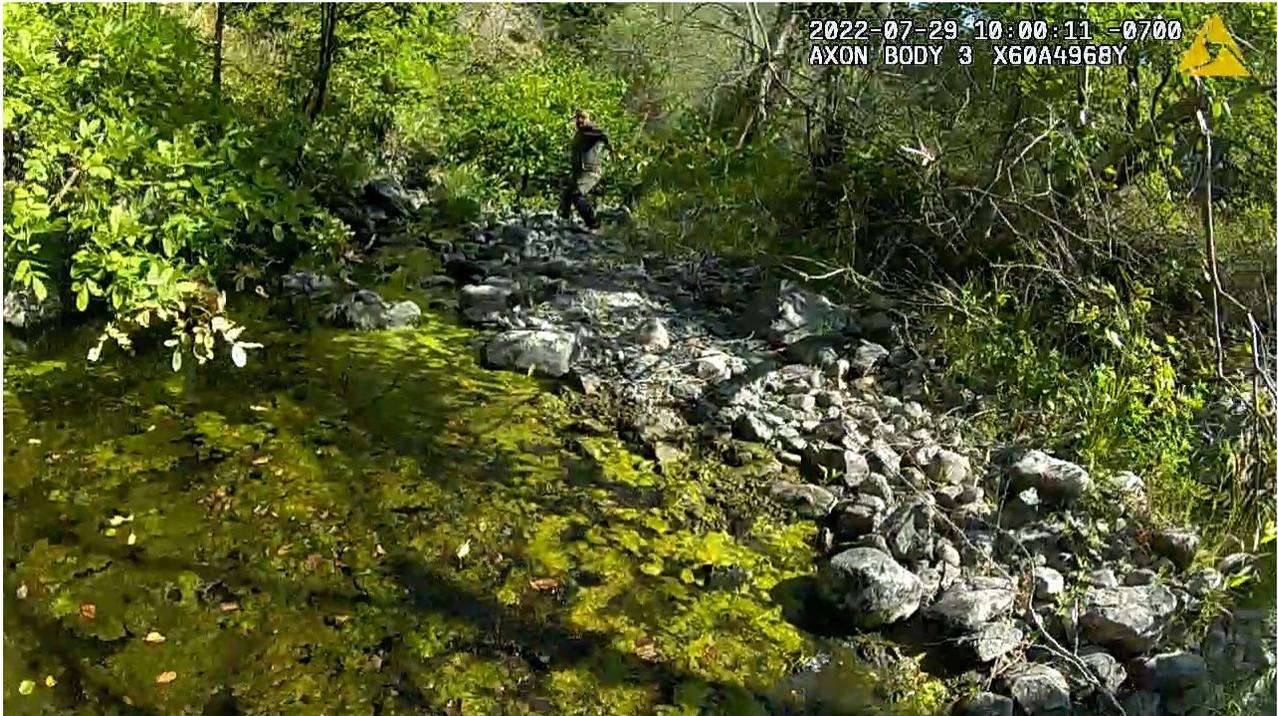
For the first approximately twenty minutes of the deputies' pursuit of Mr. Pelaez-Chavez, the deputies had been largely assisted in their transportation by Mr. [REDACTED] who was escorting them on his side-by-side. From the exploration using the side-by-side, the general area appeared expansive, and the terrain appeared rugged. As the deputies tried to locate Mr. Pelaez-Chavez, they appeared calm and focused. At times, the deputies appeared to hustle when the terrain allowed them to do so, and from their audible heavy breathing when running or walking up hills, it appeared their actions during their pursuit of Mr. Pelaez-Chavez were physically challenging.

At 9:37 a.m., Deputy Powers indicated over the radio to Deputy Dietrick that he could see Mr. Pelaez-Chavez, and that Mr. Pelaez-Chavez was taking a break. Deputy Powers reported over the radio that Mr. Pelaez-Chavez had “maybe a hatchet and a hammer in each hand.” Mr. Pelaez-Chavez appeared to be resting at the top of a hill. Deputy Powers went on to say, “he’s clutching those weapons pretty good.” At 9:44 a.m., the deputies first made verbal contact with Mr. Pelaez-Chavez by yelling to him. Mr. Pelaez-Chavez then ran, and the deputies tried to follow him. They indicated that Mr. Pelaez-Chavez went directly south towards the creek. As the deputies tried to pursue Mr. Pelaez-Chavez, they could again be heard breathing heavily.

As the deputies chased Mr. Pelaez-Chavez down the hill, Deputy Powers yelled at Mr. Pelaez-Chavez: “Put it fucking down. Put it down.” Deputy Powers then said: “He’s holding the weapons aggressively. He just hit a tree and then ran off.” As the deputies continued to follow Mr. Pelaez-Chavez, they yelled “manos arriba” and “alto.” (Spanish, for: “put your hands up,” and “stop.”)

At 9:49 a.m., the deputies paused in their pursuit of Mr. Pelaez-Chavez, and Deputy Powers asked Deputy Dietrick if he wanted him to “be Taser,” and Deputy Powers told Deputy Dietrick to be his “lethal cover.” Soon after, they noted a cliff, as well as that Mr. Pelaez-Chavez had made it to the creek bed. After Deputy Powers also reached the creek bed, Mr. Pelaez-Chavez was heard yelling multiple times, but not any specific words. A helicopter could also be heard, and it sounded like it was nearby.

Deputy Powers pursued Mr. Pelaez-Chavez in the creek, and he was able to catch up to him. Mr. Pelaez-Chavez appeared to be waving his arms above his head, looking towards the sky, yelling occasionally. Deputy Powers tried to communicate with Mr. Pelaez-Chavez in both simple English and Spanish. Deputy Powers’s tone at this time comes across as pleading, as opposed to stern, authoritative, or aggressive. His tone seems to convey, “Enough. Come on, just stop.” Deputy Powers appeared to be able to get Mr. Pelaez-Chavez’s attention, and they briefly interacted, but Mr. Pelaez-Chavez soon continued along the creek, away from the deputy. Deputy Powers continued to follow Mr. Pelaez-Chavez through the creek, but at a distance. Mr. Pelaez-Chavez stepped out of the creek, and onto a rocky creek bed. Deputy Powers continued to try to speak with Mr. Pelaez-Chavez, and Mr. Pelaez-Chavez seemed to be splitting his attention between Deputy Powers and the sky. The helicopter appeared to still be in the area, and that appears to be what Mr. Pelaez-Chavez was focused on when his attention was towards the sky. At 10:00 a.m., Mr. Pelaez-Chavez bent down, picked up a rock with one hand, and lifted it up. The rock appeared to be larger than a softball, but small enough and light enough that Mr. Pelaez-Chavez did not appear to have difficulty handling or lifting it. Deputy Powers can be heard in the video reacting to Mr. Pelaez-Chavez’s actions with that rock by saying “Oooh fuck,” and Deputy Powers tried to back away. Deputy Powers repeatedly said, “no mas” (Spanish, for: “no more”) as he tried to back away. Mr. Pelaez-Chavez continued to hold the rock, and he walked up and away from the creek as Deputy Powers tried to back up.



At 10:00 a.m., Mr. Pelaez-Chavez walked away from the creek bed, and Deputy Dietrick was in the area that he walked towards. Deputy Powers also moved out of the creek, and he could see both Mr. Pelaez-Chavez, as well as Deputy Dietrick. Deputy Powers quickly approached

Deputy Dietrick and Mr. Pelaez-Chavez. As he did so he had his Taser in his left hand. Deputy Dietrick was holding a handgun, which was pointed at Mr. Pelaez-Chavez. Deputy Dietrick yelled “Drop it. Drop it now. Drop it. Drop it now.” Mr. Pelaez-Chavez did not appear to react in compliance with Deputy Dietrick’s commands. Instead, as he was being ordered to “drop it,” Mr. Pelaez-Chavez continued walking in a direction that was causing him to get closer to Deputy Dietrick’s stationary position. Similar to when Mr. Pelaez-Chavez was in the river with Deputy Powers, Mr. Pelaez-Chavez seemed to be splitting his attention between Deputy Dietrick and the sky. The helicopter still appeared to still be in the area. Mr. Pelaez-Chavez was yelling sporadically. His yells appeared to be noises as opposed to words in either English or Spanish. Mr. Pelaez-Chavez held both of his arms up towards the sky, and then bent over with both of his hands on his knees. Despite having his hands on his knees, he continued to also hold a rock in his right hand and the other tools in his left hand until the rock fell from his hand at knee level to the ground. Mr. Pelaez-Chavez then bent down and touched the ground with his right hand. Deputy Dietrick fired three shots in rapid succession, and at almost the same time, Deputy Powers deployed his Taser. Mr. Pelaez-Chavez dropped to the ground immediately.



(Frame from Deputy Dietrick’s body-worn camera (“BWC”), depicting Mr. Pelaez-Chavez looking up at and reaching towards the sky, and also depicting the rock in his right hand, as well as the hammer and gardening tool in his left hand.)



(Frame from Deputy Powers's BWC, depicting Mr. Pelaez-Chavez touching the ground with his right hand after dropping the rock.)



(Frame from Deputy Dietrick's BWC, depicting Mr. Pelaez-Chavez picking up the rock.)

After Deputy Dietrick fired his gun and Deputy Powers deployed his Taser, both deputies approached Mr. Pelaez-Chavez. They initially rolled Mr. Pelaez-Chavez onto his stomach and handcuffed him behind his back. Mr. Pelaez-Chavez appeared nonresponsive, and the deputies soon thereafter rolled Mr. Pelaez-Chavez onto his back, unhandcuffed him and put his arms to his sides, and began CPR chest compressions. They continued to administer CPR chest compressions for more than twenty minutes. A paramedic arrived at their location, and the deputies continued CPR as the paramedic took over, but the attempted life-saving measures were unsuccessful.

H. ITEMS MR. PELAEZ-CHAVEZ WAS HOLDING

Mr. Pelaez-Chavez was holding a hammer and another tool in his right hand when he was shot. The actual items are depicted in the photos below.



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The District Attorney is not aware of anyone identifying or collecting the specific rock or rocks that were utilized by Mr. Pelaez-Chavez after he reached the river. Numerous rocks can be seen in the vicinity of Mr. Pelaez-Chavez after he was shot.



I. CORONER’S FINDINGS

The Coroner Division of Marin County Sheriff’s Office assumed coroner’s jurisdiction over this investigation, as the involved law enforcement personnel were Sonoma County Sheriff’s deputies, and the Sonoma County Coroner’s Office is a division of the Sonoma County Sheriff’s Department. This is standard procedure under these circumstances to avoid any apparent or actual conflicts.

Dr. Joseph Cohen, M.D., is the Chief Forensic Pathologist of Marin County. Dr. Cohen performed an autopsy on the body of Mr. Pelaez-Chavez on August 2, 2023. During the autopsy, Dr. Cohen located three gunshot wounds to Mr. Pelaez-Chavez’s body. These included “a penetrating gunshot wound to the head, a penetrating gunshot wound to the chest, and a graze gunshot wound to the left arm.” Dr. Cohen noted that “[t]he graze gunshot wound to the left arm may be associated with the penetrating gunshot wound to the left chest (i.e., consistent with the

same projectile grazing the left arm then entering the left upper chest).” The manner of death was determined to be homicide, and the cause of death was penetrating gunshot wounds to head and torso.

During the autopsy, chest cavity blood and iliac blood was retained for possible toxicological evaluation. Subsequent testing of indicated the presence of methamphetamine, amphetamine, and alcohol in Mr. Pelaez-Chavez’s blood. The chest cavity blood contained a blood alcohol concentration of 0.048 g/100 mL, methamphetamine at a concentration of 760 ng/mL, and amphetamine at a concentration of 100 ng/mL. The iliac blood contained a blood alcohol concentration of 0.029 g/100 mL, and amphetamine at a concentration of 47 ng/mL.

V. LEGAL STANDARDS

When a law enforcement officer is involved in a fatal shooting, possible criminal charges include murder (Penal Code § 187), manslaughter (Penal Code § 192), assault with a firearm (Penal Code § 245), and assault by a police officer (Penal Code § 149). A homicide is justifiable when it results from a peace officer’s use of force that is in compliance with Penal Code section 835a. (Penal Code § 196.)

Penal Code section 835a addresses a police officer’s use of force. Section 835a was substantially amended in 2019 by the passage of Assembly Bill 392. The current version of section 835a applies to this investigation.

A peace officer may arrest a person if the officer has probable cause to believe that the person to be arrested has committed a felony. (Penal Code § 836, subd. (a)(3).) Although “probable cause” is a fluid concept incapable of precise definition, the substance of all the definitions of probable cause is a reasonable ground for belief of guilt. (*People v. Scott* (2011) 52 Cal.4th 452, 474.) “If a person has knowledge, or by the exercise of reasonable care, should have knowledge, that he is being arrested by a peace officer, it is the duty of such person to refrain from using force or any weapon to resist such arrest.” (Penal Code § 834a.) Using a weapon means to fire a gun, hit somebody with the weapon, or to display the weapon in a menacing manner. (See *People v. Bland* (1995) 10 Cal.4th 991, 997; *People v. Johnson* (1995) 38 Cal.App.4th 1315, 1319–1320.) “A peace officer who makes or attempts to make an arrest need not retreat or desist from their efforts by reason of the resistance or threatened resistance of the person being arrested. A peace officer shall not be deemed an aggressor or lose the right to self-defense by the use of objectively reasonable force in compliance with subdivisions (b) and (c) to effect the arrest or to prevent escape or to overcome resistance. For the purposes of this subdivision, “retreat” does not mean tactical repositioning or other deescalation tactics.” (Penal Code § 835a, subd. (d).)

“Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use objectively reasonable force to effect the arrest, to prevent escape, or to overcome resistance.” (Penal Code § 835a, subd. (b).) “[A] peace officer is justified in using deadly force upon another person only when the officer reasonably believes, based on the totality of the circumstances, that such force is necessary for either of the following reasons: (A) To defend against an imminent threat of death or serious bodily injury to the officer or to

another person. (B) To apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended. Where feasible, a peace officer shall, prior to the use of force, make reasonable efforts to identify themselves as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts.” (Penal Code § 835a, subd. (c)(1).)

Section 835a provides that “[a] threat of death or serious bodily injury is ‘imminent’ when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the peace officer or another person. An imminent harm is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from appearances, must be instantly confronted and addressed.” (Penal Code § 835a, subd. (e)(2).) Section 835a provides that the “ ‘[t]otality of the circumstances’ means all facts known to the peace officer at the time, including the conduct of the officer and the subject leading up to the use of deadly force.” (Penal Code § 835a, subd. (e)(3).)

In assessing the reasonableness of a peace officer’s actions, the inquiry is whether the officer’s actions are objectively reasonable from the perspective of a reasonable officer on scene. (*Graham v. Connor* (1989) 490 U.S. 386, 396.) This standard is also codified in section 835a: “the decision by a peace officer to use force shall be evaluated from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances known to or perceived by the officer at the time, rather than with the benefit of hindsight, and that the totality of the circumstances shall account for occasions when officers may be forced to make quick judgments about using force.” (Penal Code § 835a, subd. (a)(4).)

VI. INDEPENDENT EXPERT’S ASSESSMENT

As part of the District Attorney’s review of the officer-involved shooting of Mr. Pelaez-Chavez, the District Attorney consulted with an expert on police practices and uses of force, Jeff Noble.

Mr. Noble worked in law enforcement for twenty-eight years, with assignments spanning from patrol officer to deputy chief. Mr. Noble is an author of two textbooks on policing: “Managing Accountability Systems for Police Conduct: Internal Affairs and External Oversight,” as well as “Understanding Police Uses of Force.” Mr. Noble also has extensive real-world experience in analyzing actual incidents involving officers’ uses of force, as is demonstrated by the more than one hundred cases he has consulted or provided expert witness services on in the last five years. Mr. Noble is not merely an apologist for officer uses of force. In the cases Mr. Noble has consulted on, he has analyzed actual uses of force, has found some uses of force justified, and has found some uses of force not justified. Mr. Noble supported Assembly Bill 392 (2019), and when that legislation was being considered he spoke with the California Assembly Committee on Public Safety.

Due to Mr. Noble's expertise with police practices and uses of force, the District Attorney asked Mr. Noble to review case-related materials to assess if he has any opinions, accounting for the definitions and standards in Penal Code section 835a, related to the July 29, 2022, officer-involved shooting of Mr. Pelaez-Chavez. For his assessment, Mr. Noble was provided with all the reports and digital evidence that the District Attorney was aware of and had for their review.² Mr. Noble's C.V. and full report related to this incident are included in Attachment C.

Mr. Noble reviewed the materials provided by the District Attorney, and offered his opinions related to the use of deadly force by Deputy Dietrick. After reviewing the available evidence, Mr. Noble offered the following opinions:

A reasonable police officer, knowing all of the facts and circumstances known to Deputy Dietrick, would have believed that Mr. Pelaez's actions by picking up the rock that they were at imminent threat of death or serious bodily injury. A reasonable police officer would believe that the size of the rock allowed it to be thrown and was large enough that if struck they could suffer a seriously bodily injury or death. Here, Deputy Dietrick was moving parallel to Mr. Pelaez as Mr. Pelaez walked along the creek. It was Mr. Pelaez, not Deputy Dietrick, who created the confrontation as Mr. Pelaez moved out of the creek and up the embankment.

Based on the totality of the circumstances known to Deputy Dietrick at the moment he used deadly force, I am of the opinion that his use of deadly force was objectively reasonable and consistent with generally accepted police practices. It is my opinion that a reasonable police officer knowing all the facts known by Deputy Dietrick would have believed that Mr. Pelaez was likely going to throw the rock at him as he was in a throwing position and he bent down to pick up the rock even though he was being held at gun point, and that if Deputy Dietrick were struck by the rock he could suffer great bodily injury or death.

VII. ANALYSIS AND FINDINGS

For the purpose of this evaluation, the District Attorney's Office relied on the investigation conducted by the Santa Rosa Police Department, individual frames from the body camera videos, and Mr. Noble's opinions. Additionally, as noted in footnote 2 in referencing materials provided to Mr. Noble, the District Attorney's Office is also familiar with a prior officer-involved shooting

² The provided materials included:

- 1.) The investigation conducted by the Santa Rosa Police Department, which includes among other things: reports, BWCs, and interviews of the two deputies who were present at the time of the shooting.
- 2.) Individual frames from the two deputies' BWCs at around the time of the shooting, and two brief videos that show all of those frames in sequence at the rate of 3 frames per second.
- 3.) The training curriculum from a course Deputy Dietrick attended on July 19, 2022.
- 4.) Reports related to a prior officer-involved shooting involving Deputy Dietrick.

by Deputy Dietrick, as well as the contents of Deputy Dietrick's personnel file.³

As previously discussed, criminal charges are appropriate only when the District Attorney determines that the evidence of guilt is of such convincing force that it would support a conviction for the crime charged by a reasonable and objective fact finder after hearing all the admissible evidence, including evidence of any defenses. Although Deputy Dietrick shot and killed Mr. Pelaez-Chavez, accounting for applicable legal standards, the circumstances of this case and the available evidence do not provide an evidentiary basis from which the District Attorney could prove beyond a reasonable doubt that the killing was not justified.

From Mr. Pelaez-Chavez's conversations with his girlfriend, Mr. Pelaez-Chavez appeared to be experiencing a level of paranoia and / or delusions that did not comport with reality, but regardless of the degree of paranoia or delusions, those conversations indicated Mr. Pelaez-Chavez was upset, and was acting in a reactionary way to that emotion. At the residences on Tre Monte Lane, Mr. Pelaez-Chavez was in a remote location, and he engaged in felony-level criminal activity. This included vandalism, carjacking, and the theft of a side-by-side. Despite the warning shots fired by Mr. [REDACTED], Mr. Pelaez-Chavez chose to go to another residence. Whereas the warning shots should have indicated to Mr. Pelaez-Chavez that his safety was at risk when he confronts a resident in that area, Mr. Pelaez-Chavez nevertheless ignored that apparent risk and went to another residence. There, Mr. Pelaez-Chavez seemingly challenged the homeowner to kill him. At both residences on Tre Monte Lane, Mr. Pelaez-Chavez possessed rocks that were of a size and weight that they could be utilized by Mr. Pelaez-Chavez, and they could be dangerous for anyone Mr. Pelaez-Chavez used them against. Mr. Pelaez-Chavez, despite being barefoot, was not deterred from attempting to traverse rugged terrain at a pace that was challenging to two deputies who were wearing adequate footwear. Mr. Pelaez-Chavez also committed to possessing the hammer and gardening tool at times when it would have been easier to abandon those items. That choice to retain those items indicated the importance Mr. Pelaez-Chavez placed on their possession. Mr. Pelaez-Chavez's apparent mental state, as well as his behavior and endurance, appeared consistent with being under the influence of methamphetamine, a controlled substance that was later found present in his blood.

Deputy Dietrick was aware of Mr. Pelaez-Chavez's aggressive and abnormal behavior at the two residences on Tre Monte Lane. Deputy Dietrick was aware that Mr. Pelaez-Chavez was not only on foot, but was barefoot, at [REDACTED] Tre Monte Lane. Deputy Dietrick was aware that Mr. Pelaez-Chavez broke through a glass door at that residence with a rock, and he continued to have rocks in his possession. Deputy Dietrick knew Mr. Pelaez-Chavez had warning shots fired following his actions, and he then proceeded to steal a truck while another person tried to hang onto the vehicle. Deputy Dietrick knew Mr. Pelaez-Chavez crashed the truck through a fence, through a gate, and into a ditch, before he fled from the vehicle. Deputy Dietrick knew Mr. Pelaez-Chavez continued to possess rocks when he interacted with a resident at [REDACTED] Tre Monte Lane, and that he asked that resident to kill him. Deputy Dietrick knew that Mr. Pelaez-Chavez fled from [REDACTED] Tre Monte Lane, into the rugged wilderness, barefoot. Deputy Dietrick knew that Mr. Pelaez-Chavez stole another vehicle from a third property. Deputy Dietrick knew that when he first saw Mr. Pelaez-Chavez at the top of the hill, he was holding a "hatchet" and "hammer or a pick or some kinda long handled tool or blunt instrument." Deputy Dietrick knew that the

³ Representatives from the District Attorney's Office reviewed Deputy Dietrick's personnel file at the Sonoma County Sheriff's Department, consistent with Penal Code section 832.7.

deputies' attempts to speak with Mr. Pelaez-Chavez and deescalate the situation when Mr. Pelaez-Chavez was at the top of the hill and they first made contact with him did not have the intended effect. Deputy Dietrick knew that after the deputies tried to make contact with Mr. Pelaez-Chavez, Mr. Pelaez-Chavez responded in a way that indicated he was not going to stop for the deputies. Deputy Dietrick knew that after Mr. Pelaez-Chavez ran down the hill from where the deputies first saw him, when Mr. Pelaez-Chavez was told to "drop it," Mr. Pelaez-Chavez instead reacted by hitting the tree with one of the tools. Deputy Dietrick viewed the items Mr. Pelaez-Chavez possessed at that time as weapons. He also knew that Mr. Pelaez-Chavez did not drop those items following Deputy Powers's order to do so.

Mr. Pelaez-Chavez behaved irrationally on July 29, 2022, and also behaved in a way that objectively signaled that he was not going to acquiesce to the requests of other people. Mr. Pelaez-Chavez signaled that he was determined to get away from the deputies, as demonstrated by the pursuit he led them on. Mr. Pelaez-Chavez signaled that he viewed the items he possessed as important by not abandoning those items at times when it would have been easier for his escape to do so. Additionally, when facing a Sheriff's deputy who had a firearm aimed at him, Mr. Pelaez-Chavez did not disarm himself to signal he was not a threat; to the contrary, he actively reached for a rock that could be used as a weapon while also maintaining possession of the other items that could be used as weapons. These actions by Mr. Pelaez-Chavez were confrontational and signaled an intent to escalate the encounter to one in which further action is taken. Nothing about Mr. Pelaez-Chavez's behavior – both all of his behavior at the residences on Tre Monte Lane, through the entire pursuit, as well as in the moments prior to the shooting – would have indicated to Deputy Dietrick that Mr. Pelaez-Chavez intended to bring a simple ending to the pursuit. Instead, by reaching for the rock, after that pursuit, at a time when the deputy was in close proximity to Mr. Pelaez-Chavez and the deputy had his gun pointed at Mr. Pelaez-Chavez, indicate that Mr. Pelaez-Chavez was intending to take imminent action with one of the items in his possession to enable himself to avoid apprehension and arrest. The dangerousness of a rock is more than theoretical; the District Attorney is aware of cases, including murder cases, in which a rock was used as a deadly or dangerous weapon.

Deputies Dietrick and Powers were acting within the scope of their responsibilities as Sheriff's deputies when they pursued and tried to apprehend Mr. Pelaez-Chavez on July 29, 2022. The deputies were appropriately attempting to contact and arrest Mr. Pelaez-Chavez for crimes he committed related to vandalism and theft at the Tre Monte residences and involving the Silverado. The deputies were also appropriately concerned about what Mr. Pelaez-Chavez may do at another residence or if he encountered additional civilians given his recent behavior that indicated unpredictability, a willingness to commit criminal acts, a willingness to do what was necessary to avoid apprehension, and a possible desire to provoke a lethal response. The public would want and expect the deputies to continue their pursuit of an erratic and irrational criminal if possible to do so. The deputies had no duty to desist in their efforts to apprehend Mr. Pelaez-Chavez due to Mr. Pelaez-Chavez's resistance, nor would we expect our law enforcement officers to do so.

In assessing the officer-involved shooting of Mr. Pelaez-Chavez by Deputy Dietrick, in addition to the digital evidence and fact witnesses from that day, Mr. Noble has also reviewed the materials and rendered an independent evaluation of Deputy Dietrick's use of force. Mr. Noble believes that "based on the totality of the circumstances known to Deputy Dietrick at the moment he used deadly force . . . his use of deadly force was objectively reasonable and consistent with generally accepted police practices."

Accounting for the available evidence, information, and opinions related to the circumstances surrounding the officer-involved shooting on July 29, 2022, by Deputy Dietrick, there is not an evidentiary basis from which the District Attorney could prove beyond a reasonable doubt that the killing of Mr. Pelaez-Chavez was not legally justified. Instead, the available evidence, information, and opinions indicate, from the perspective of a reasonable officer, that Deputy Dietrick was objectively reasonable in his use of deadly force to defend against an imminent threat of death or serious bodily injury to the officer or to another person. Accordingly, addressing the limited inquiry of the District Attorney’s evaluation of this incident, criminal charges are not warranted.

VIII. CONCLUSION

The District Attorney acknowledges and agrees with the Legislature’s declaration in section 835a that, “the decision by a peace officer to use force shall be evaluated carefully and thoroughly, in a manner that reflects the gravity of that authority and the serious consequences of the use of force[,]” and that has occurred with respect to the officer-involved killing of Mr. Pelaez-Chavez. Accounting for the totality of the circumstances on July 29, 2022, the legal standards related to the filing of criminal charges as well as the legal standards related to a peace officer’s use of force, in addition to the independent expert opinion of Mr. Noble, the District Attorney finds that criminal charges are not warranted against any law enforcement personnel related to Mr. Pelaez-Chavez’s death.

Carla C. Rodriguez
District Attorney, County of Sonoma

Attachment A



Initial view from [redacted] Tre Monte Lane



Looking back up the hill descending from [redacted] Tre Monte Lane



Ridgeline



Ridgeline and wooded area



Representative terrain.



View looking up the hill where deputies first saw Mr. Pelaez-Chavez.



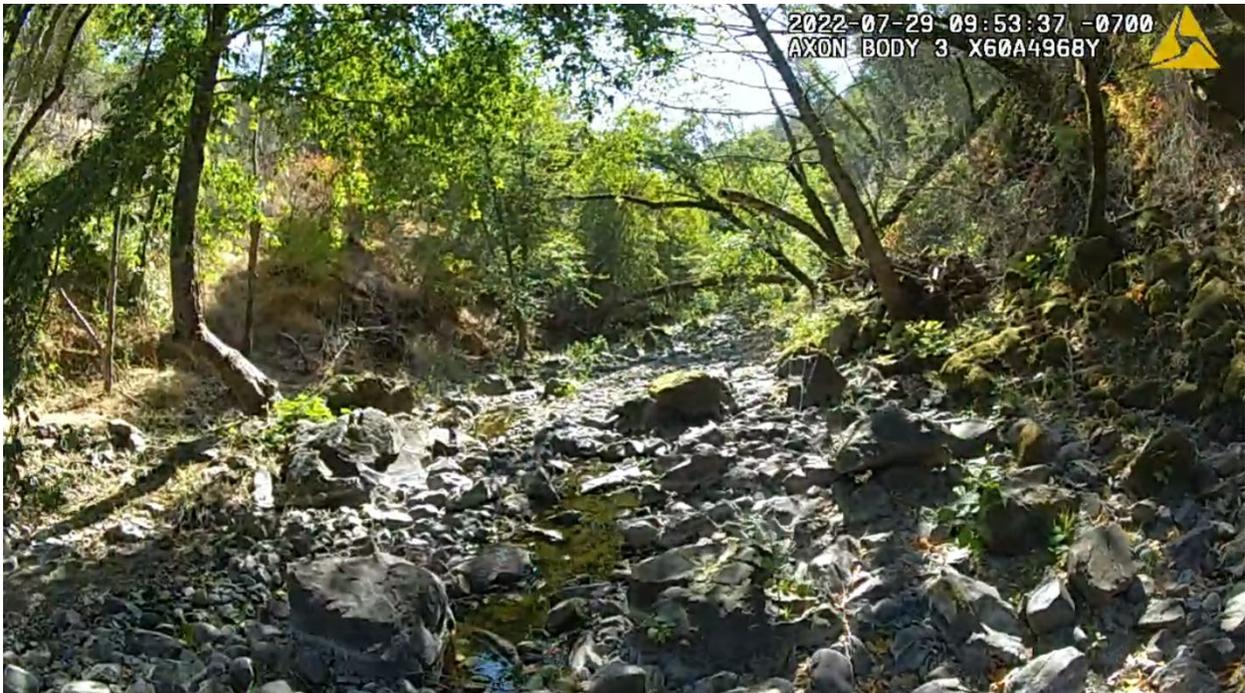
Wooded hillside Mr. Pelaez-Chavez ran down after deputies made contact.



Wooded hillside Mr. Pelaez-Chavez ran down after deputies made contact.



Wooded hillside Mr. Pelaez-Chavez ran down after deputies made contact.



Creek where deputies pursued Mr. Pelaez-Chavez.



Creek where deputies pursued Mr. Pelaez-Chavez.

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Attachment B



Red pins show the two residences where Mr. Pelaez-Chavez interacted with residents, as well as the location where Deputy Dietrick shot Mr. Pelaez-Chavez.



Red pins show the second residence where Mr. Pelaez-Chavez interacted with a resident, as well as the location where Deputy Dietrick shot Mr. Pelaez-Chavez.

The following four photos are screenshots from the video taken from the Sheriff's helicopter soon after Deputy Dietrick shot Mr. Pelaez-Chavez. The blue "X" on each photo depicts the area where the deputies and Mr. Pelaez-Chavez were located.





	Measurement Log		Case Name	Officer Involved Shooting
	Drawn By		Case Number	
	Drawn Date	08/04/22	Incident Date	07/29/22
			Location	Thomas Rd

Reference Points

The incident occurred in the area of GPS coordinates 38.61369970, -122.72236580, known as Franz Creek. The scene was located in the wilderness terrain that lacked fixed references like buildings, curbs, lights, and/or signs posts. Two large trees that were readily visible in the photographs were used as reference points. The trees were marked with a black Sharpie "A" (approx. 38.61369027, -122.72242246) and "B" (approx. 38.61370965, -122.72241407). Tree A was located on the east side of the creek bed. Tree B was located on the east side of the creek bed, approximately 17'8" northeast of Tree A.

Arcs were drawn from reference points on Tree A and Tree B to the item of interest. The intersection of those arcs was measured to give the distances for each item, including the body.

Body

DESCRIPTION	Southwest Tree A (Base of Tree)	Northwest Tree B (Base of Tree)
Head	7'5"	15'9"
Right Foot	12'3"	19'2"
Left Foot	12'8"	17'9"
Right Hand	8'3"	18'6"
Left Hand	10'4"	15'7"

Physical Evidence

Evidence Placard	DESCRIPTION	Southwest Tree A (Base of Tree)	Northwest Tree B (Base of Tree)
EP1	Casing	23'3"	20'5"
EP2	Casing	20'6"	19'4"
EP3	Taser	12'11"	21'8"
EP4	Hammer	8'8"	9'2"
EP5	Pickaxe	10'5"	9'8"
EP6	Glasses	14'2"	16'5"
EP7	Casing	17'8"	15'1"

Case No.:



Description:

OIS

Address1:

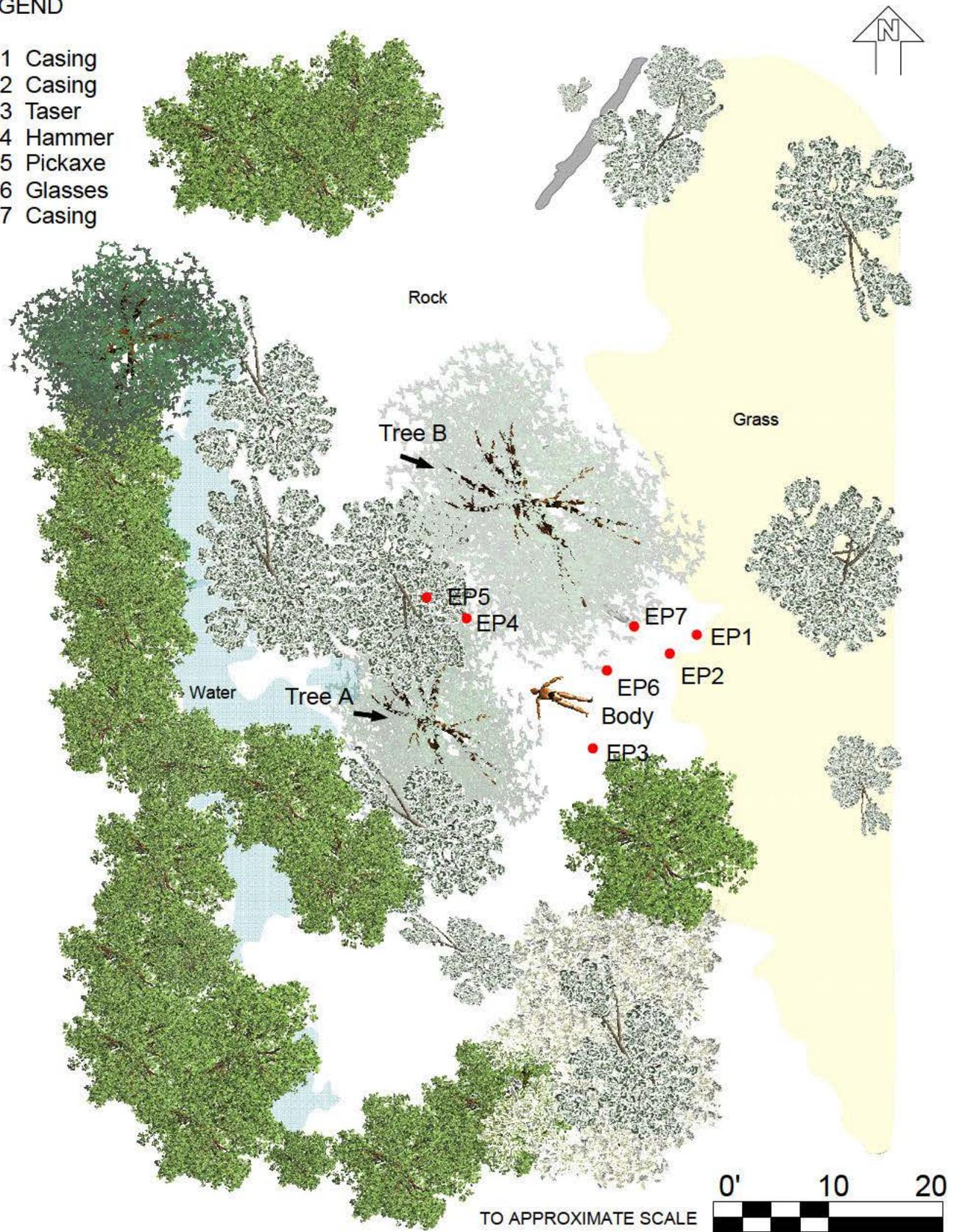
Thomas Rd, Healdsburg

County:

Sonoma

LEGEND

- EP1 Casing
- EP2 Casing
- EP3 Taser
- EP4 Hammer
- EP5 Pickaxe
- EP6 Glasses
- EP7 Casing



Officer:



Drawn By:



Date:

08/08/2022

Time:

0810 HRS

Scale:

1" = 12.28'

Case No.:



Description:

OIS

Address 1:

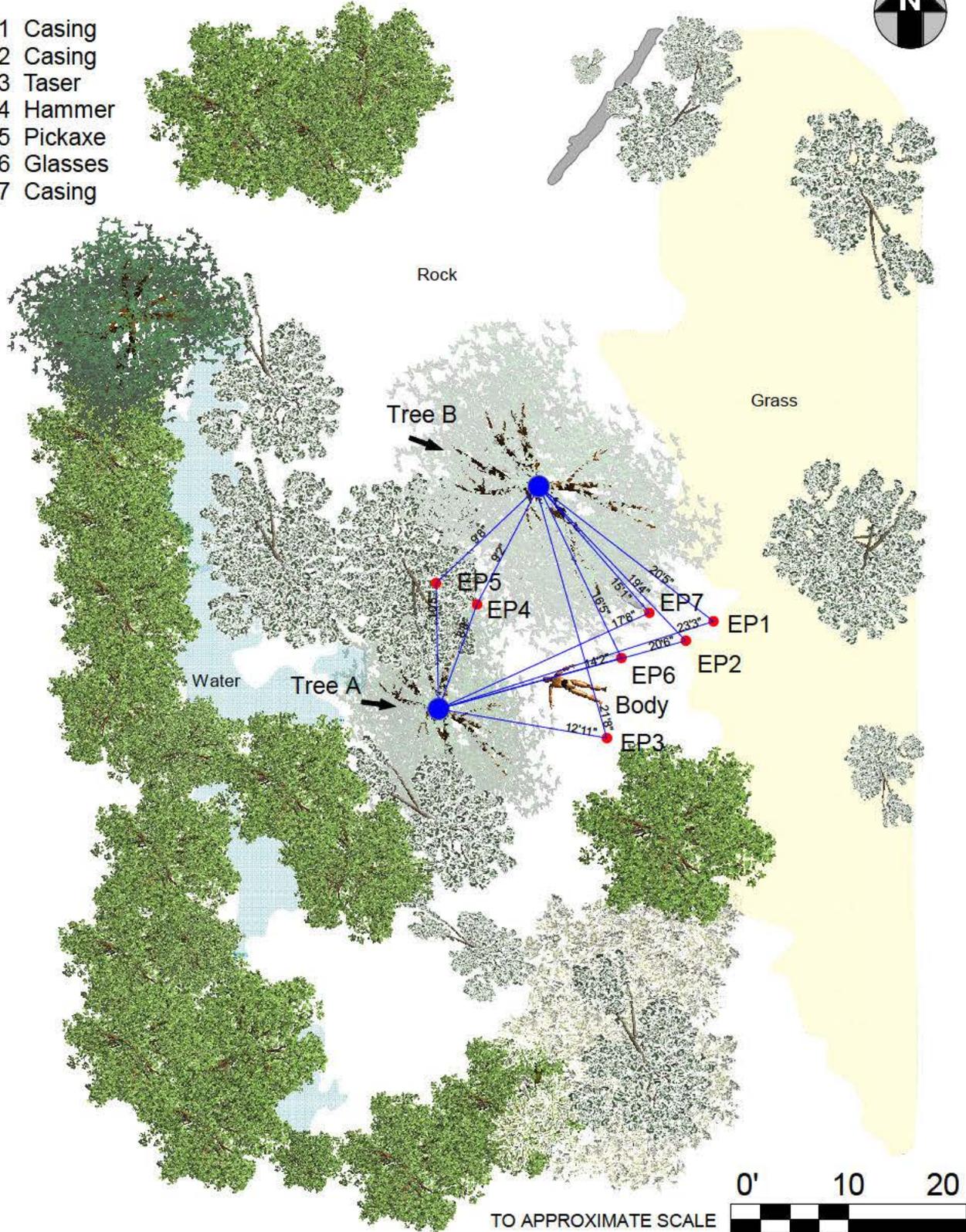
Thomas Rd, Healdsburg

County:

Sonoma

LEGEND

- EP1 Casing
- EP2 Casing
- EP3 Taser
- EP4 Hammer
- EP5 Pickaxe
- EP6 Glasses
- EP7 Casing



Officer:



Drawn By:



Date:

08/08/2022

Time:

0810 HRS

Scale:

1" = 12.28'

Case No.:



Description:

OIS

Address 1:

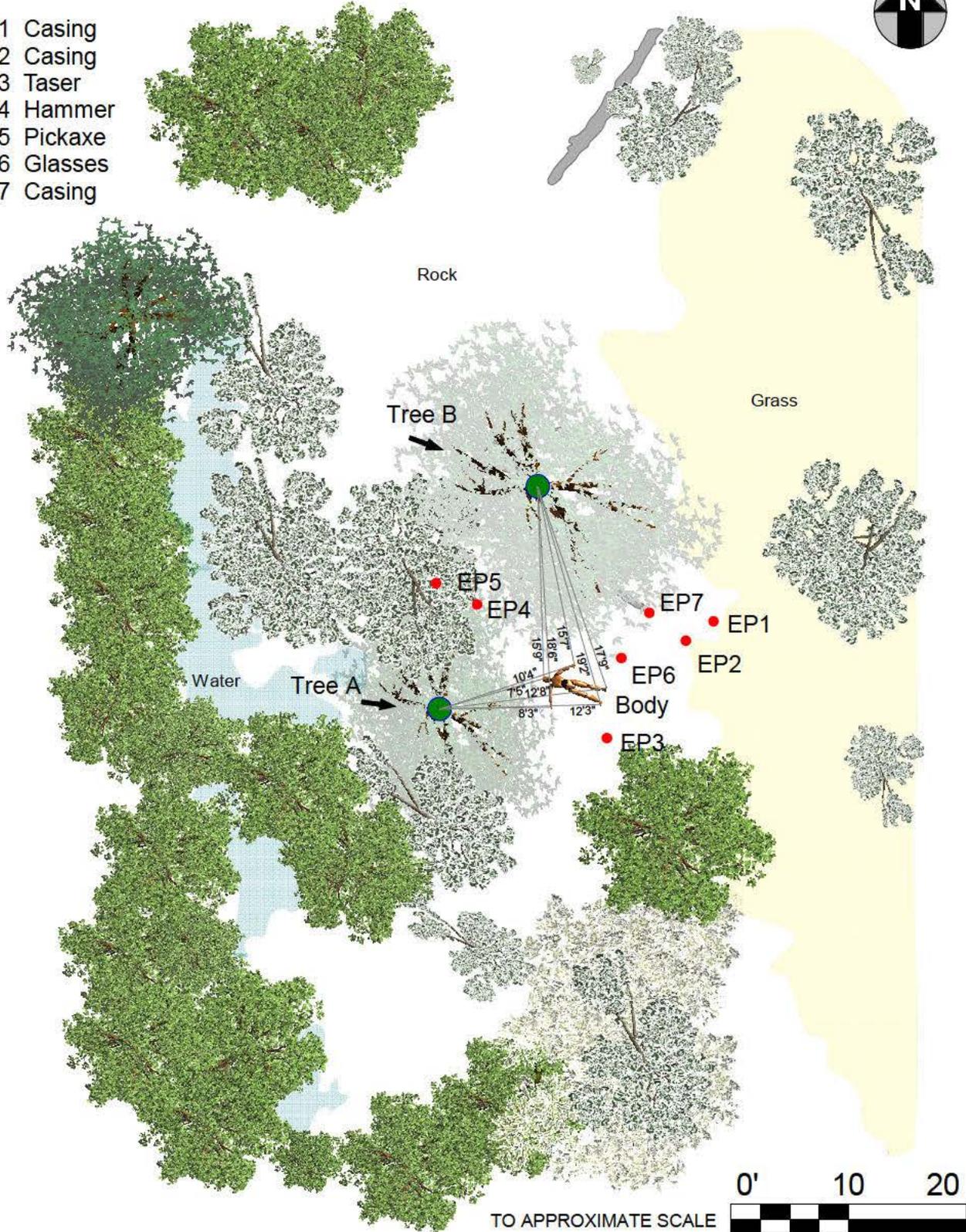
Thomas Rd, Healdsburg

County:

Sonoma

LEGEND

- EP1 Casing
- EP2 Casing
- EP3 Taser
- EP4 Hammer
- EP5 Pickaxe
- EP6 Glasses
- EP7 Casing



Officer:



Drawn By:



Date:

08/08/2022

Time:

0810 HRS

Scale:

1" = 12.28'

Attachment C

JEFFREY J. NOBLE

Telephone: [REDACTED]

Email: [REDACTED]

EXPERIENCE

CONSULTANT/EXPERT WITNESS (2005 – Present)

Provide consulting and expert witness services on a wide range of law enforcement and personnel issues including misconduct, corruption, use of force, workplace harassment, pursuits, police administration, training, police operations, criminal and administrative investigations, interviews and interrogations, civil rights violations, police procedures, and investigations.

FEDERAL COURT APPOINTED MONITOR

Santa Clara, California, Sheriff's Department (March 2019 – present)

Review of policies, procedures and use of force applications in the Santa Clara County Jails as part of a federal court consent decree in the matter of *Chavez v. County of Santa Clara*.

DEPUTY CHIEF OF POLICE (April 2014 – January 2015)

Westminster Police Department, California
(Sworn 87; Civilian – 40; Population- 91,377; 10 sq. mi.)

Served as an interim Deputy Chief of Police to review Internal Affairs, auditing processes, department policies and procedures, risk management and to facilitate the efforts of a new external oversight agency.

DEPUTY CHIEF OF POLICE (September 1984 – July 2012)

Irvine Police Department, California
(Sworn – 205, Civilian – 100; Population: 217,000; 70 sq. mi.)

Served as a Patrol Officer, Narcotics Detective, Traffic Detective, Training Sergeant, SWAT sergeant and Commander, Internal Affairs, Sergeant, Lieutenant, Commander and Deputy Chief of Police. As the Deputy Chief of Police, I was responsible for all operations of the Irvine Police Department including Patrol, Traffic and Investigations.

JEFFREY J NOBLE

EDUCATION

Western State University, College of Law (Irvine, California)

J.D. with honors, 1993.

Assistant Editor, Consumer Law Journal. California State Bar, 1994, #170911.

California State University at Long Beach

B.A. Criminal Justice, 1989

Senior Management Institute for Police

Police Executive Research Forum. Boston University, Boston, Massachusetts, 2002

PUBLICATIONS

Books:

Stoughton, S., Noble, J. and G. Alpert, *Evaluating Police Uses of Force*, New York University Press (2020).

Noble, J., and G. Alpert, *Managing Accountability Systems for Police Conduct: Internal Affairs and External Oversight*. Prospect Heights, IL. Waveland Press (2008).

Book Chapters:

Alpert, G., J. Noble and J. Rojek, *Solidarity and the Code of Silence*, Dunham, R. and G. Alpert (Eds.). *Critical Issues in Policing: Contemporary Readings*. Prospect Heights, IL, Waveland Press. Seventh Edition (2015).

Noble, J., and G. Alpert, *State Created Danger: Should Police Officers be Accountable for Reckless Tactical Decision Making?* (Updated) Dunham, R. and G. Alpert (Eds.). *Critical Issues in Policing: Contemporary Readings*. Prospect Heights, IL, Waveland Press. Seventh Edition (2015).

Noble, J., and G. Alpert, *State Created Danger: Should Police Officers be Accountable for Reckless Tactical Decision Making?* Dunham, R. and G. Alpert (Eds.). *Critical Issues in Policing: Contemporary Readings*. Prospect Heights, IL, Waveland Press. Sixth Edition (2009).

JEFFREY J NOBLE

Articles:

- Stoughton, S., Noble, J., and Alpert, G., *How to Actually Fix America's Police*, The Atlantic (June 2020)
- Stoughton, S., Noble, J., and Alpert, G., *George Floyd's death shows exactly what police should not do*, The Washington Post (May 29, 2020)
- Stoughton, S., Alpert, G. and Noble, J., *Why Police Need Constructive Criticism*, The Atlantic (December 23, 2015) <http://www.theatlantic.com/politics/archive/2015/12/officer-porter-mistrial-police-culture/421656/>
- Stoughton, S., Noble, J. and Alpert G., *Better Information is the Key to Policing Reform*, The Atlantic, (September 24, 2015) <http://www.theatlantic.com/politics/archive/2015/09/better-information-is-the-key-to-policing-reform/406696/>
- Noble, J., *Rethinking Tactical Team Warrant Entries*, The Tactical Edge (Summer 2014).
- Noble, J. *Assessing Police Discretion*, The Journal of California Law Enforcement (Vol. 47, No. 4, 2013).
- Noble, J. and G. Alpert, *Criminal Interrogations of Police Officers After Use-of-Force Incidents*, FBI Law Enforcement Bulletin (September 2013).
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- Noble, J., *Do I Need A SWAT Team? Threat Assessments for Warrant Services*, The Tactical Edge (Winter 2013).
- Alpert, G., J. Rojek and J. Noble, *The Cognitive Interview in Policing: Negotiating Control*. ARC Centre of Excellence in Policing and Security: Briefing Paper, Australian Government Research Council (June 2012).
- Noble, J. and G. Alpert, *Evaluating the Quality of Law Enforcement Investigations: Standards for Differentiating the Excellent, Good and Reasonable, From the Unacceptable*. The Journal of California Law Enforcement (Vol. 46, No. 1, 2012)
- Noble, J., *Police Explorers: Protecting a Valued Asset*. The Journal of California Law Enforcement (Vol. 45, No. 3, 2011).
- Noble, J., and G. Alpert, *Lies, True Lies and Conscious Deception: Police Officers and the Truth*. Police Quarterly, Volume 12, Number 2 (June 2009).
- Noble, J., *Assessing Witness Credibility*. International Association of Chiefs of Police, Training Key #597 (2006).
- Noble, J., *Albertsons Homicide: An Active "Shooter" Response*, The Tactical Edge (Fall 2004).
- Noble, J., *Police Officer Truthfulness and the Brady Decision*, Police Chief Magazine (October 2003).
- Noble, J., *The Boomerang Employee – What to do When a Fired Employee Comes Back*, The Journal of California Law Enforcement (Volume 37, No. 1, 2003).
- Noble, J., *Why Appearance Matters*, Network – California Peace Officers' Association Newsletter (August 2001).

JEFFREY J NOBLE

- Noble, J., *Tactical Team Basics: Warrants*, The Tactical Edge (Summer 2000).
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- Noble, J., *Police Pursuits: Law Enforcement or Public Safety?* The Journal of California Law Enforcement (Volume 33, No.1, 1999).
- Noble, J., *Alternative Work Schedules can be an Evolution of Team Policing*, Network - California Peace Officers' Association Newsletter (December 1998).
- Noble, J., *Continuing Police Training: The Interactive Multimedia Approach*, The Journal of California Law Enforcement (Volume 29, No.1, 1995).
- Noble, J., *Environmental Advertising Claims: "Ozone Friendly" Consumer Protection*, 2 W. St. U. Consumer L.J. 95 (1993).

SELECTED PROFESSIONAL ACTIVITIES

- Peer Review* – Law Enforcement Dog Encounters Training Toolkit for Law Enforcement, DOJ, Office of Community Oriented Policing Services, COPS, (December 2018)
- Presenter* – Developing or Revitalizing an Internal Affairs Unit. Public Agency Training Council: Internal Affairs Conference (December 2014)
- Presenter* – Addressing Police Misconduct: Standards to Consider. The International Association of Chiefs of Police Annual Conference (October 2014).
- Presenter* – Reducing Traffic-Related Officer Injuries and Deaths. The International Association of Chiefs of Police Annual Conference in Orlando, Florida (October 2014).
- Participant* – Reducing Violence and Improving the Rule of Law: Organized Crime, Marginalized Communities, and the Political Machine. Carnegie Endowment for International Peace. Washington, D.C. (September 2014)
- Presenter* – Preventing Corruption in Police Institutions. Police Accountability in Democracies: First International Congress on Police Internal Affairs. Los Cabos, Baja California Sur, Mexico (October 2013).
- Presenter* – Testilying: Lies, True Lies, and Conscious Deception: Police Officers' Truth and the Brady Decision. American Psychological Association Annual Conference in Honolulu, Hawaii (July 2013).
- Presenter* – Police Misconduct Issues: Police Explorers and Reasonableness of Internal Affairs Investigations, The International Association of Chiefs of Police Annual Conference in San Diego, California (October 2012).
- Peer Review* – Building and Enhancing Criminal Justice Researcher-Practitioner Partnerships, National Institute of Justice (June 2012).
- Committee Chairperson* – California Peace Officers' Association Communications Sub-Committee.

Updated May 3, 2023

JEFFREY J NOBLE

- Responsible for publication of the Journal of California Law Enforcement (Jan. 2012 – present)
- Presenter* – The Lying Police Officer: Is Any Deception Acceptable? With Karen Kruger. The International Association of Chiefs of Police Annual Conference in Denver, Colorado (Nov. 2009).
- Presenter* – State-Created Danger: Should Police Officers be Accountable for Reckless Tactical Decision Making? The Academy of Criminal Justice Sciences Annual Meeting in Boston, Massachusetts. (March 2009).
- Committee Chairperson* – Major Cities Chiefs of Police Task Force in Internal Affairs. Los Angeles, California (2005-2008).
- Peer Review* – Boston Police Department: Enhancing Cultures of Integrity Technical Assistance Guide, Office of Community Oriented Policing Services #TDL 2008-371 (July 2008)
- Peer Review* – Undocumented Immigrants in U.S./Mexico Border Counties: The Cost of Law Enforcement and Criminal Justice Services, National Institute of Justice #TDL 2008- 321 (December 2007).
- Presenter* – Truth or Consequences: Dealing with the Deceitful Police Officer, with Jeffrey Schlanger and Michael Stone, The International Association of Chiefs of Police Annual Conference, Los Angeles, California (November 2004).
- Presenter* - Albertsons Homicide: An Active “Shooter” Response, The California Association of Tactical Officers Annual Conference, Palm Springs, California (September 2004).
- Presenter* – Boomerang Employees, COPS Conference, Washington, D.C. (2002).

PROFESSIONAL AFFILIATIONS

- California Peace Officers’ Association* – Chair, Communications Sub-Committee (2012 – 2018)
- Police Executive Research Forum*
- International Association of Chiefs of Police*
- National Tactical Officers’ Association*
- Special Olympics Torch Run* Southern California Region, Assistant Director (1997 – 2012)

CONSULTING/EXPERT WITNESS

- 2023 Beltran v City of Austin (Plaintiff) (Expert Report)
David James, Edwards Law, 603 W 17th St., Austin, Texas 78701
- 2023 Espericueta v. Riverside County (Plaintiff) (Expert Report) (Deposition)
Officer involved shooting
Neil Gehlawat, Taylor & Ring, 1230 Rosecrans Ave., Suite 360, Manhattan Beach, CA 90266
- 2023 Talley/Rodriguez v. City of Austin (Plaintiff) (Expert Report)
Use of Force
Scott Hendler, Hendler Flores Law, 901 S. MoPac Expressway, Bldg. 1, Suite #300, Austin, Texas 78746
- 2023 Sparks v City of Seattle (Defense) (Expert Report)

Updated May 3, 2023

JEFFREY J NOBLE

- Reasonable Policies
Tara Gillespie, Seattle City Attorney's Office, Civil Division – Torts Section, 701 Fifth Avenue, Suite 2050, Seattle, WA 98104-7095
- 2023 Perez v City of Fontana (Plaintiff) (Expert Report)
Detention and Interrogation
Jerry Steering, 4063 Birch St., Suite 100, Newport Beach, CA 92660
- 2023 Augustus v LAPD, (Plaintiff) (Expert Report) (Deposition)
High Risk Car Stop Tactics
Brian Olney, Hadsell, Stormer, Renick & DAI, LLP, 128 N. Fair Oaks Ave., Pasadena, California 91103
- 2023 Goodale v. San Antonio, (Plaintiff) (Expert Report)
Officer Involved Shooting
Patrick Toscano, Toscano Law Firm, PC, 846 Culebra Rd. Suite 500, San Antonio, Texas 78201
- 2023 McLaughlin v. San Bernadino Sheriff's Department (Plaintiff) (Expert Report)
Officer Involved Shooting
Renée V. Masongsong, Law Offices of Dale K. Galipo, 21800 Burbank Boulevard, Suite 310, Woodland Hills, California 91367
- 2023 Parsa v. Lopinto (Plaintiff) (Expert Report) (Deposition)
Use of Force
Andrew C. Clarke, The Cochran Firm – Midsouth, One Commerce Square, Suite 1700, Memphis, Tennessee 38103
- 2023 Sanders v. Austin (Plaintiff) (Expert Report)
Use of Force
Jeff Edwards, Edwards Law, 603 W 17th St., Austin, Texas 78701
- 2023 Armijo v. Adams County (Defense) (Expert Report)
Use of Force
Kerri A. Booth, Senior Litigation Attorney, Adams County Attorney's Office, 4430 South Adams County Parkway, 5th Floor, Suite C5000B, Brighton, CO 80601
- 2022 Rodrigue Armijo v. Adams County v. Long Beach (Plaintiff) (Deposition) (Trial)
Search and Control Hold Tactics
Arnoldo Casillas, Casillas & Associates, 3777 Long Beach Blvd, Long Beach, CA 90807
- 2022 Bhandari v. National City (Plaintiff) (Expert Report) (Deposition)
Use of Force
John Burton, The Law Offices of John Burton, The Marine Building, 128 North Fair Oaks Avenue, Pasadena, California 91103
- 2022 Huerta v. County of Tulare (Plaintiff) (Expert Report) (Criminal Trial Testimony)
Arrest and use of force
Doug Rothen, ACTS Law, 16001 Venture Blvd., Suite 200, Encino, CA 91436
- 2022 Bahadoran v. City of New York (Plaintiff) (Expert Report)
Officer Involved Shooting
Jonathan Abady, Emery, Celli, Brinckerhoff, Abady, Ward & Maazel, LLP, 600 Fifth Avenue at

JEFFREY J NOBLE

- Rockefeller Center, 10th Floor, New York, NY 10020
- 2022 Underwood v. Austin (Plaintiff) (Expert Report)
Use of Force
Jeff Edwards, Edwards Law, 603 W 17th St., Austin, Texas 78701
- 2022 People v. Simmonds (Prosecution) (Grand Jury Testimony)
Officer Involved Shooting
Anti-Corruption & Civil Rights Division, Office of the Fulton County District Attorney, Atlanta
Judicial Circuit, 136 Pryor Street SW| 3rd Floor, Atlanta, GA 30303
- 2022 Harder v. City of Seattle (Defense) (Expert Report)
Allegation of vehicle pursuit
Tara Gillespie, Seattle City Attorney's Office, Civil Division – Torts Section, 701 Fifth Avenue,
Suite 2050, Seattle, WA 98104-7095
- 2022 Womble v. City of Durham (Defense) (Expert Report)
Allegation of False Conviction
Henry Sappenfield, Kenon Cracer, PLLC, 4011 University Drive, Suite 300, Durham, NC 27717
- 2022 Oshan v. District of Columbia, (Plaintiff) (Expert Report)
Vehicle Pursuit
Patrick Regan, Regan Zambri & Long, PLLC, 1919 M Street, N.W., Suite 350,
Washington, DC 20036
- 2022 Denk v. City of Peoria, AZ (Defense) (Expert Report)
Officer Involved Shooting
Amanda C. Sheridan, Senior Assistant City Attorney, Civil Litigation, City of Peoria, City
Attorney's Office, 8401 Monroe Street, Suite 280, Peoria, AZ 85345
- 2022 State of Missouri v. Prichard and Brummett (Prosecution) (Deposition)
Dion Sankar, Chief Deputy Prosecutor, Jackson County Prosecutor's Office, 415 E 12th Street
Kansas City, Missouri 64106
- 2022 Ong v. City of Beverly Hills (Plaintiff) (Deposition)
Traffic Control
Stephen Johnson, Berglund and Johnson Law Group, 21550 Oxnard, Suite 900, Woodland Hills,
CA 91367
- 2022 Kelley v. City of San Marcos, TX, (Plaintiff) (Expert Report)
Use of Force
Rebecca Webber, Hendler Flores Law, 901 S. MoPac Expressway, Building 1, Suite 300, Austin,
TX 78746
- 2022 Zelaya (Juarez Cedillo) v. LAPD (Plaintiff) (Expert Witness) (Deposition)
Use of Force
Miguel Flores, Carrillo Law Firm, LLP, 1499 Huntington Drive, Suite 402, South Pasadena, CA
- 2022 Cullinan v. LAPD, (Plaintiff) (Expert Report) (Deposition)
Use of Force
Peter M. Williamson, Williamson Law Firm, 3200 Foothill Drive, Suite 4, Westlake Village, CA
91361

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- 2022 Jane AM v. LAPD, (Plaintiff) (Expert Report) (Deposition) (Trial)
Detention and Use of Force
Laura Jimenez, Carrillo Law Firm, LLP, 1499 Huntington Drive, Suite 402, South Pasadena, CA 91030
- 2022 People v. Reynolds, Crestview, FL, (State) (Grand Jury)
Use of Force
Michelle G. Sandler, Assistant State Attorney, Felony Supervisor – Fort Walton Beach Office, 1804 Lewis Turner Boulevard, Fort Walton Beach, FL 32547
- 2022 Aden v. City of Bloomington, (Plaintiff) (Expert Report)
Officer Involved Shooting
Eva Rodelius, Wilson Law Group, 3019 Minnehaha Ave, Minneapolis, MN 55406
- 2022 Jackson v. Nassau County, (Plaintiff) (Expert Report) (Deposition)
Allegation of wrongful conviction
Gabriel P. Harvis, Esq., Elefterakis, Elefterakis & Panek, 80 Pine Street, 38th Floor, New York, New York 10005
- 2022 Baugus v. Newton (Morrow County Sheriff’s Department, Ohio), (Plaintiff) (Expert Report)
Creation of danger that led to death
Connie Gadell-Newton, Fitrakis & Gadell-Newton, LLC, 100 E. Main Street, Columbus, OH 43215
- 2022 Rios v. LAPD, (Plaintiff) (Expert Report)
High-Risk Car Stop
Toni Jaramilla, 1900 Avenue of the Stars, Suite 900, Los Angeles, CA 90067
- 2022 Sloan v. Anderson County Sheriff, SC, (Plaintiff) (Expert Report)
Officer Involved Shooting
Joshua Snow Kendrick, Kendrick & Leonard, P.C., 506 Pettigru Street, Greenville, SC 29601
- 2022 Jones v. Dupage County Sheriff’s Office, (Defense) (Expert Report) (Deposition)
Officer Involved Shooting
Patrick R. Moran, Rock Fusco & Connelly, LLC, 321 N. Clark Street, Suite 2200, Chicago, Illinois 60654
- 2022 Brown v. Turbyfill (Spotsylvania County Sheriff’s Department, VA), (Plaintiff) (Expert Report)
Officer Involved Shooting
Mark J. Krudys, The Krudys Law Firm, PLC, Truist Place, 919 East Main Street, Suite 2020, Richmond, VA 23219
- 2022 Cruz v. Riverside County Sheriff’s Department, (Plaintiff) (Expert Report) (Deposition)
Use of Force
Steven Lerman, Steven A. Lerman and Associates, LLC, 6033 West Century Blvd., Suite 740 Los Angeles, CA 90045
- 2022 Yancy v. Tillman, Clayton County Police, GA, (Plaintiff) (Expert Report)
Entry and Use of Force
Tanya F. Miller, DUBOSE MILLER, LLC, 75 14th Street NE, Suite 2110, Atlanta, GA 30309
- 2022 Penny v. LAPD, (Plaintiff) (Expert Report) (Deposition)

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- Officer Involved Shooting
Shaleen Shanbhag, Hadsell, Stormer, Renick Dai LLP, 128 N. Fair Oaks Ave., Pasadena, California 91103
- 2022 Herrera v. Austin, (Plaintiff) (Expert Report)
Use of force during demonstration
Jeff Edwards, Edwards Law, 603 W 17th St., Austin, Texas 78701
- 2022 Barragan v. LAPD, (Plaintiff) (Expert Report)
Positional Asphyxia
Dominique Boubion, Carrillo Law Firm, 1499 Huntington Drive, Suite 402, South Pasadena, CA 91030
- 2022 Sen v. Los Angeles, (Plaintiff) (Expert Report) (Deposition)
High-Risk Car Stop Tactics
Brian Olney, Hadsell, Stormer, Renick & DAI, LLP, 128 N. Fair Oaks Ave., Pasadena, California 91103
- 2022 Ibarra v. Lee (Rogers County, OK), (Plaintiff) (Expert Report) (Deposition)
Officer involved Shooting
Dale Galipo, Law Offices of Dale K. Galipo, 21800 Burbank Blvd., Suite 310, Woodland Hills, CA 91367
- 2022 Tate v. Chicago (Defense) (Expert Report)
Monell Allegations
Marion C. Moore, Chief Assistant Corporation Counsel, City of Chicago Department of Law Federal Civil Rights Litigation Division, 2 N. LaSalle St., Suite 420, Chicago, Illinois 60602
- 2022 Lunneen v. Berrien Springs (Plaintiff) (Expert Report)
Use of Force
Noah W. Drew, Spence Lawyers, 15 S. Jackson Street, Jackson, WY 83001
- 2021 Carr v San Diego County Sheriff (Plaintiff) (Expert Report) (Deposition)
Use of Force
Joseph M. McMullen, Law Offices of Joseph M. McMullen, 501 W. Broadway, Suite 1510, San Diego, CA 92101
- 2021 Mountford v. City of Santa Monica (Plaintiff) (Expert Report) (Deposition)
Officer Involved Shooting
Jeremy D. Jass, 4340 Von Karman Avenue, Suite 100, Newport Beach, CA 92660
- 2021 State v. Dagas (Prosecution) (Trial Testimony)
Allegation of False Police Report
Judy Taschner, Deputy District Attorney, Special Operations Division, San Diego County District Attorney's Office, East County Regional Center, 250 E. Main Street, El Cajon, CA 92020
- 2021 Stickney v. City of Phoenix (Defense) (Expert Report)
Use of Force
Christina Retts, Wienenke Law Group, 1095 W. Rio Salado, #209, Tempe, AZ 85281
- 2021 Evans v City of Austin (Plaintiff) (Expert Report)

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- Use of Force
Jeff Edwards, Edwards Law, 603 W 17th St., Austin, Texas 78701
- 2021 Rennells v. Kenealy (Plaintiff) (Expert Report)
Use of Force
James End, First, Albrecht & Blondis, 158 N. Broadway, Suite 600 Milwaukee, WI 53202
- 2021 Johnson v Baltimore (Defense) (Expert Report)
Monell Allegations
Kara K. Lynch, Chief Solicitor, Baltimore City Department of Law, 100 N. Holliday Street, Room 101, Baltimore, Maryland 21202
- 2021 Brown v City of Chicago (Defense) (Expert Report) (Deposition)
Monell Allegations
Dan Nolan, Reiter-Burns, 311 S. Wacker, 5200, Chicago, IL 60606
- 2021 Gonzalez v. CHP (Plaintiff) (Expert Report) (Deposition)
Use of Force
Dale Galipo, Law Offices of Dale K. Galipo, 21800 Burbank Blvd., Suite 310, Woodland Hills, CA 91367
- 2021 Baney v City of Chapin (Plaintiff) (Expert Report)
Use of Force
Joshua Snow Kendrick, Kendrick & Leonard, 1522 Lady Street, Columbia, SC 29201
- 2021 Washington v City of Chapin (Plaintiff) (Expert Report)
Use of Force
Joshua Snow Kendrick, Kendrick & Leonard, 1522 Lady Street, Columbia, SC 29201
- 2021 King v. Fontana (Plaintiff) (Expert Report) (Deposition)
Officer Involved Shooting
Hang Le, Law Offices of Dale K. Galipo, 21800 Burbank Blvd., Suite 310, Woodland Hills, CA 91367
- 2021 Harbin v. City of Breckenridge Hills, Missouri (Plaintiff) (Expert Report) (Deposition)
Use of Force
Javad Khazaeli, Khazaeli Wyrsh LLC, 911 Washington Ave, Suite 211, St. Louis, MO 63101
- 2021 Green v St. Louis (Plaintiff) (Expert Report)
Officer Involved Shooting
Javad Khazaeli, Khazaeli Wyrsh LLC, 911 Washington Ave, Suite 211, St. Louis, MO 63101
- 2021 Debeaubien v CHP (Plaintiff) (Expert Report) (Deposition)
Failure to Investigate
Stewart Katz, 555 University Avenue, Suite 270, Sacramento, CA 95825
- 2021 Love v. Chicago (Defense) (Expert Report) (Deposition)
Officer Involved Shooting
Marion C. Moore, Chief Assistant Corporation Counsel, City of Chicago Department of Law Federal Civil Rights Litigation Division, 2 N. LaSalle St., Suite 420, Chicago, Illinois 60602
- 2021 Groom v Paso Robles (Plaintiff) (Expert Report)
Sexual assault by police officer

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- 2021 Neda Lotfi, Taylor & Ring, 1230 Rosecrans Avenue, Suite 360, Manhattan Beach, CA 90266
Barrera v. City of Woodland (Plaintiff) (Expert Report) (Deposition)
Use of Force
- 2021 Neil Gehlawat, Taylor & Ring, 1230 Rosecrans Avenue, Suite 360, Manhattan Beach, CA 90266
Shorter v. City of Greenville, MS (Plaintiff) (Expert Report)
Officer Involved Shooting
- 2021 Tiffany Wright, Co-Director, Human and Civil Rights Clinic, Howard University School of Law
Andrich v. City of Phoenix (Defense) (Expert Report)
Officer Involved Shooting
- 2021 Christina Retts, Wienenke Law Group, 1095 W. Rio Salado, #209, Tempe, AZ 85281
Monk v. Gulick (Chesterfield, VA), (Plaintiff) (Expert Report)
Use of Force
- 2021 Thomas Johnson, Bricker, Anderson & Johnson, 411 East Franklin Street, Suite 504, Richmond, VA 23219
Hernandez v. City of Los Angeles (Plaintiff) (Expert Report)
Officer Involved Shooting
- 2021 Arnaldo Casillas, Casillas & Associates, 3777 Long Beach Blvd, Long Beach, CA 90807
Garten v. City of Costa Mesa, (Plaintiff) (Expert Report) (Deposition)
Detention and search.
- 2021 Richard Herman, Law Office of Richard P. Herman, P. O. Box 53114, Irvine, California 92619-3114
Harris v. City of Phoenix, (Defense) (Expert Report)
Officer Involved Shooting
- 2021 Christina Retts, Wienenke Law Group, 1095 W. Rio Salado, #209, Tempe, AZ 85281
Gagliani v. Lexington County Sheriff, SC, (Plaintiff) (Expert Report) (Deposition)
Use of Force
- 2021 Eric Cavanaugh, Cavanaugh & Thickers, LLC, 1717 Marion St, Columbia, SC 29201
Torres v. City of Cheyenne, WY (Plaintiff) (Expert Report)
Use of Force
- 2021 Thomas B. Jubin, Jubin & Zerga, LLC., 2614 Pioneer Avenue, P.O. Box 943, Cheyenne, Wyoming 8203-0943
Velez v. City of Sacramento, (Plaintiff) (Expert Report)
Officer Involved Shooting
- 2021 Stewart Katz, 555 University Avenue, Suite 270, Sacramento, CA 95825
Mojarrad v. Edwards, City of Raleigh, NC, (Plaintiff) (Expert Report) (Deposition)
Officer Involved Shooting
- 2021 Cate Edwards, Edwards Kirby, 3201 Glenwood Avenue, Suite 100, Raleigh, North Carolina 27612
Pope v. Hill, (Plaintiff) (Deposition)
Pursuit
- 2021 Bart Turner, Savage, Turner, Durham, Pinckney & Savage, 102 East Liberty Street, Eight Floor

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- (31401), PO Box 10600, Savannah, GA 31412
- 2021 Rightsell v. Indiana State Police, (Plaintiff) (Expert Report)
Officer Involved Shooting
Bruce Kehoe, Wilson Kehoe Winingham, 859 N Meridian St, Indianapolis, IN 46208
- 2021 Mendez v City of Chicago, (Defense) (Expert Report) (Deposition)
Monell Allegation
Marion Moore, Chief Assistant Corporation Counsel, City of Chicago Department of Law,
Federal Civil Rights Litigation Division, 2 N. LaSalle St., Suite 420, Chicago, Illinois 60602
- 2021 Helvie v Jenkins (Adams County Sheriff, CO.), (Defense) (Expert Report)
Use of Force
Kerri A. Booth, Adams County Attorney's Office, 4430 South Adams County Pkwy., 5th Floor,
Suite C5000B, Brighton, CO 80601
- 2021 State of Minnesota v. Chauvin (State) (Expert Report)
Use of Force
Steve Schlescher, Minnesota Attorney General's Office, 445 Minnesota Street, Suite 1400, St.
Paul, MN 55101
- 2021 Humphrey v. Friar (City of Millington, TN), (Plaintiff) (Expert Report) (Deposition)
Sexual Misconduct
Andrew C. Clarke, The Cochran Firm – Midsouth, One Commerce Square, Suite 1700,
Memphis, Tennessee 38103
- 2021 Skommesa v. City of Murrieta (Plaintiff) (Expert Report) (Deposition)
Use of Force
Michael R. Marrinan, Law Office of Michael R. Marrinan, 501 W. Broadway, Suite 1510
San Diego, CA. 92101
- 2021 Dominguez v. City of Escondido (Defense) (Expert Report)
Use of Force
Keith Phillips, Assistant City Attorney, City Attorney's Office, City of Escondido, 201 N.
Broadway, Escondido, CA 92025
- 2021 Brown v. Ontario (Defense) (Expert Report)
Use of Force
Daniel S. Roberts, Cole Huber LLP, 3401 Centrelake Dr., Ste. 670, Ontario, CA 91761
- 2021 Galloway v. Nassau County Police (Plaintiff) (Expert Report) (Deposition)
Allegation of wrongful conviction
Gabriel P. Harvis, Elefterakis, Elefterakis & Panek, 80 Pine Street, 38th Floor, New York, New
York 10005
- 2021 Richards v. Las Vegas Metropolitan Police (Plaintiff) (Expert Report)
Officer involved shooting
E. Brent Bryson, 32302 West Charleston Blvd., Las Vegas, NV 89102
- 2021 Hall v. City of Atlanta (Plaintiff) (Expert Report) (Deposition)
Monell Allegation
Shean Williams, The Cochran Firm, 100 Peachtree Street NW, Suite 2600, Atlanta, Georgia,

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- 30303
- 2021 Drew v. Irby, Fauquier County Sheriff, VA (Plaintiff) (Expert Report) (Deposition)
Use of Force, Arrest
Victor M. Glasberg, 121 S. Columbus Street, Alexandria, VA 22314
- 2021 Alves v. Riverside County Sheriff's Department (Plaintiff) (Expert Report) (Deposition) (Trial)
Use of Force
John Burton, The Law Offices of John Burton, The Marine Building, 128 North Fair Oaks Avenue, Pasadena, California 91103
- 2020 VanGilder v. McClean and Beale (Plaintiff) (Expert Report)
Failure to Render Medical Assistance
Mark J. Krudys, The Krudys Law Firm, PLC, SunTrust Center, 919 East Main Street, Suite 2020, Richmond, VA 23219
- 2020 Hood/Washington v. Chicago (Defense) (Expert Report) (Deposition)
Monell Allegations
George Yamin, The Sotos Law Firm, 550 East Devon Avenue, Suite 150, Itasca, IL 60143
- 2020 Grabbingbear v. Europe (Defense) (Expert Report) (Deposition)
Officer Involved Shooting
Donald Sisson, Elkus and Sisson, PC, 7100 E. Belleview Ave., Suite 101, Greenwood Village, CO 80111
- 2020 Thurman v. Spokane County Sheriff's Department (Defense) (Expert Report)
Reasonableness of Internal Investigation
Michael Kitson, Lane Powell, 1420 5th Avenue, #4200, Seattle, WA 98101
- 2020 Dew v. City of Seaside (Plaintiff) (Expert Report)
Officer Involved Shooting
Karen C. Joynt, Joynt Law, 225 S. Lake Ave., Suite #300, Pasadena, CA 91101
- 2020 Arnold v. City of Olathe, Kansas (Plaintiff) (Expert Report) (Deposition)
Tactical Decision Making
Ryan J. Gavin, Kamykowski, Gavin & Smith, P.C., 222 S. Central Ave., Suite 1100, St. Louis, MO 63105
- 2020 Scott and Johnson v. Detroit (Plaintiff) (Expert Report)
Allegation of Wrongful Convictions
Nick Bourland, Emery Celli Brinckerhoff Abady Ward & Maazel LLP, 600 Fifth Avenue, 10th Floor, New York, NY 10020
- 2020 Chinaryan v. LAPD (Plaintiff) (Expert Report) (Trial)
High-risk car stop
John Burton, The Law Offices of John Burton, The Marine Building, 128 North Fair Oaks Avenue, Pasadena, California 91103
- 2020 Lisner v. Huntington Park (Plaintiff) (Expert Report)
Employment Action
Michael J. Grobaty, Murtaugh Treglia Stern & Deily LLP, 2603 Main Street, Penthouse, Irvine, CA 92614

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- 2020 Meadows v. Town of Rising Sun, MD (Plaintiff) (Expert Report)
Officer Involved Shooting
Jeffrey Nusinov, Nusinov, Smith, LLP, 6225 Smith Avenue, Suite 200B, Baltimore, MD 21209
- 2020 People v. Nelson (King County, Washington) (People) (Expert Report)
Officer Involved Shooting
Kathy Van Olst, King County Prosecuting Attorney's Office, 516 Third Avenue, W400
Seattle, WA 98104
- 2020 Mesa v. Leon Valley, Texas (Plaintiff) (Expert Report)
Pursuit
Gene Toscanao, 846 Culebra Road, San Antonio, Texas 78201
- 2020 Doe v. Charlotte Board of Education (Defense) (Expert Report) (Deposition)
Police investigation
Lori Keeton, The Law Offices of Lori Keeton, 13850 Ballantyne Corporate Place, Suite 500,
Charlotte, North Carolina 28277
- 2020 Bisetti v. City of Austin (Plaintiff) (Expert Report) (Deposition)
Arrest and Disciplinary Action
Jeff Edwards, The Edwards Law Firm, 1101 East 11th Street, Austin, TX 78702
- 2020 Amaral v. City of San Diego (Plaintiff) (Expert Report) (Deposition)
Use of force
Gastone Bebi, 501 West Broadway, Suite 1340, San Diego, CA 92101
- 2020 Baker v. Coburn and McHugh (Stratford, Texas) (Plaintiff) (Expert Report)
Officer Involved-Shooting
Jeff Edwards, The Edwards Law Firm, 1101 East 11th Street, Austin, TX 78702
- 2020 Scott v. Charlotte (Defense) (Deposition)
Officer Involved Shooting
Mark Newbold, Deputy City Attorney, Charlotte-Mecklenburg, 601 E. Trade Street
Charlotte, NC 28202
- 2020 Dudley v. City of Kinston (Plaintiff) (Expert Report) (Deposition)
Allegation of Wrongful Conviction
David Rudolf, Rudolf-Widenhouse, 225 East Worthington Ave., Suite 100, Charlotte, NC 28203
- 2020 Taylor v. Los Angeles County Sheriff's Department (Plaintiff) (Expert Report)
Internal Investigation, Failure to Render Medical Aid
Arnoldo Casillas, Casillas & Associates, 3777 Long Beach Blvd, Long Beach, CA 90807
- 2020 McBean v. Peraza (Plaintiff)
Officer Involved Shooting
David I. Schoen, 2800 Zelda Road, Suite 100-6, Montgomery, Alabama 36106
- 2020 Hayes v. City of Portland (Defense) (Expert Report) (Deposition)
Officer Involved Shooting
Bill Manlove, Portland Office of the City Attorney, 1221 SW Fourth Avenue, Room 430,
Portland, OR 97204
- 2020 Eatherton v. County of Riverside (Plaintiff) (Expert Report)

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- Use of force
Jerry Steering, 4063 Birch St., Suite 100, Newport Beach, CA 92660
2020 Godifay v. King County, WA (Defense) (Expert Report)
Alleged police pursuit
Daniel L. Kinerk, King County Senior Deputy Prosecuting Attorney, 900 King County
Administration Building, 500 Fourth Avenue, Seattle, WA 98104-2316
2020 Doxator v. O'Brien, Green Bay Police Department (Plaintiff) (Expert Report) (Deposition)
Use of Force
Forrest K. Tahdooahnippah, Dorsey & Whitney, 50 South Sixth Street, Suite 1500, Minneapolis,
MN 55402
2020 Krechmery v. City of Ontario (Plaintiff) (Expert Report)
Use of Force
Jerry Steering, 4063 Birch St., Suite 100, Newport Beach, CA 92660
2019 Taylor v. Seattle, (Defense) (Expert Report)
Officer Involved Shooting
Ghazal Sharifi, Seattle City Attorney's Office, 701 Fifth Avenue, Suite 2050, Seattle, WA 98104
2019 Thomas v. County of Sacramento (Plaintiff) (Expert Report)
Officer Involved Shooting
Stewart Katz, 555 University Avenue, Suite 270, Sacramento, CA 95825
2019 Elifritz v. City of Portland, (Defense) (Expert Report)
Monell allegation
Naomi Sheffield, Deputy City Attorney, Portland Officer of the City Attorney, 1221 SW Fourth
Avenue, Room 430, Portland, OR 97204
2019 People v. Krichovich and LaCerra (Broward County, FLA) (State) (Deposition) (Trial)
Use of Force
Christopher Killoran, Assistant State Attorney, Seventeenth Judicial Circuit of Florida
Broward County Courthouse, 201 S.E. Sixth Street, Fort Lauderdale, FL 33301-3360
2019 Wilson v. City of Mission, TX (Plaintiff) (Expert Report) (Deposition)
Officer Involved Shooting
Victor Rodriguez, 121 North 10th Street, McAllen, TX 78501
2019 Davis v. Waller (Georgia Bureau of Investigations) (Defense) (Expert Report)
Officer Involved Shooting
Ron Stay, Assistant Attorney General, Georgia Department of Law, 40 Capitol Square SW,
Atlanta, Georgia
2019 Yatsko v. Graziolli (Cleveland Police Department) (Plaintiff) (Expert Report)
Officer Involved-Shooting
Jeremy Tor, Spangenberg, Shibley & Liber, 1001 Lakeside Ave. East, Suite 1700, Cleveland,
OH 44114
2019 Contreras v. City of Granger, WA (Plaintiff) (Expert Report)
Employment
Aaron V. Rocke, Rocke Law Group, PLLC, 101 Yesler Way, Suite 603, Seattle, WA 98104

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- 2019 Doolittle v. Hickory, N.C. (Plaintiff) (Expert Report) (Deposition)
Use of Force
Paul Tharpe, Arnold & Smith, 200 North McDowell Street, Charlotte, NC 28204
- 2019 Slater v State of Arizona Department of Game and Fish (Defense) (Expert Report)
Use of Force
Timothy Watson, Assistant Attorney General, Liability Management Section, 2005 N. Central Ave., Ste. 100, Phoenix, AZ 85004
- 2019 Howard v. City of Durham, NC (Defense) (Expert Report) (Deposition) (Trial)
Allegation of Wrongful Conviction
J. Nicholas Ellis, Poyner Spruill, 130 S. Franklin, Rocky Mount, NC 27804
- 2019 Tate v. City of Seattle (Defense) (Expert Report)
Detention and Use of Force
Ghazal Sharifi, Seattle City Attorney's Office, 701 Fifth Avenue, Suite 2050, Seattle, WA 98104
- 2019 McNally v. San Diego (Plaintiff) (Expert Report) (Deposition) (Trial)
Use of Force
Mike Marrinan, 501 W. Broadway, Suite 1510, San Diego, CA 92101
- 2019 Godinez v. Chicago (Defense) (Expert Report)
Monell allegation
Avi Kamionski, Nathan and Kamionski, LLP, 140 S. Dearborn, Suite 1510, Chicago, IL 60603
- 2019 Shortridge v. City of Arvada, CO (Defense) (Expert Report)
Use of Force
Julie Richards, Senior Assistant City Attorney, City Attorney's Office, 8101 Ralston Road Arvada, CO 80002
- 2019 Dunn v. City of Seattle (Defense) (Expert Report)
Violent Persons File – NCIC
Brian Esler, Miller, Nash, Graham & Dunn, LLP, 2801 Alaskan Way, Suite 300, Seattle, WA 98121
- 2019 Heard v. City and County of Denver (Defense) (Expert Report)
Use of Force
Michele Horn, City and County of Denver, City Attorney's Office, 201 W. Colfax Ave., Dept 1108, Denver, CO 80202
- 2019 Windle v. State of Indiana (Plaintiff) (Expert Report) (Deposition)
Use of Force
Zaki Ali, 522 West 8th Street, Anderson, Indiana 46016
- 2019 Wisdom v. County of Nassau (Plaintiff) (Expert Report)
Allegation of False Arrest
Gabriel Harvis, Elefterakis, Elefterakis & Panek, 80 Pine Street, 38th Floor, New York, New York 10005
- 2019 Castaway v. City of Denver (Defense) (Expert Report)
Officer Involved-Shooting
Wendy Shea, City and County of Denver, City Attorney's Office, 201 W. Colfax Ave., Dept

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- 1108, Denver, CO 80202
- 2019 Mosquera v. City of San Gabriel (Plaintiff) (Expert Report)
Identification Procedures
John Burton, The Law Offices of John Burton, The Marine Building, 128 North Fair Oaks Avenue, Pasadena, California 91103
- 2019 Harper v. Zoelling (Snohomish County Sheriff's Department), (Plaintiff) (Expert Report) (Deposition)
Police Practices
Jeff Kallis, Kallis Law, 321 High School Rd., Suite D3, Bainbridge Island, WA 98110
- 2019 Elmansoury v. Garden Grove (Plaintiff) (Expert Report) (Deposition)
Use of Force
Jeremy Jass, Jass Law, 4510 E. Pacific Coast Hwy., Suite 400, Long Beach, CA 90804
- 2019 Lee v. San Diego (Plaintiff) (Expert Report) (Deposition)
Use of Force
Mike Marrinan, 501 W. Broadway, Suite 1510, San Diego, CA 92101
- 2019 Kubiak v. City of Chicago (Defense) (Expert Report) (Deposition)
Allegation of code of silence
David Seery, Deputy Corporation Counsel, Administration, City of Chicago, Department of Law 121 N. LaSalle Street, Room 600, Chicago, Illinois 60602
- 2019 People v Krook (Prosecutor) (Grand Jury Testimony) (Trial)
Officer Involved Shooting
Richard Dusterhoft, Office of the Ramsey County Attorney, Criminal Division Director
- 2019 Roque v. Austin (Plaintiff) (Expert Report)
Officer Involved Shooting
Jeff Edwards, The Edwards Law Firm, 1101 East 11th Street, Austin, TX 78702
- 2019 Green v Lara (Plaintiff) (Expert Report) (Deposition)
Officer Involved Shooting
Victor Rodriguez, 121 North 10th Street, McAllen, TX 78501
- 2018 Estate of McIntosh v. City of Chicago (Defendant) (Expert Report) (Deposition)
Monell Allegations
Patrick R. Moran, Rock Fusco & Connelly, LLC, 321 North Clark Street Suite 2200, Chicago, Ill 60610
- 2018 Delacruz v. City of Port Arthur, TX (Plaintiff) (Expert Report)
Use of Force
Mo Aziz, Abraham, Watkins, Nichols, Sorrels, Agosto & Aziz, 800 Commerce, Houston, TX 77002
- 2018 Westfall v. Luna (Southlake PD, TX) (Plaintiff) (Expert Report) (Deposition) (Trial)
Use of Force
Grant Schmidt, Winston & Strawn, 2121 N. Pearl, Suite 900, Dallas, TX 75201
- 2018 Lyles v. Seattle (Defense) (Expert Report)
Officer Involved Shooting

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- 2018 Ghazal Sharifi, Seattle City Attorney's Office, 701 Fifth Avenue, Suite 2050, Seattle, WA 98104
Le v. King County (WA) (Defense) (Expert Report)
Officer Involved Shooting
- 2018 Dan Kinerk, King County Prosecuting Attorney's Office, 500 Fourth Avenue, Seattle, WA
Sweet v. City of Mesa, AZ (Defense) (Expert Report) (Deposition)
Reasonableness of tactics
Christina Retts, Wienenke Law Group, 1095 W. Rio Salado, #209, Tempe, AZ 85281
- 2018 Collins v. San Diego County (Plaintiff) (Expert Report) (Trial)
Reasonableness of Detention and arrest
Elizabeth Teixeira, Law Offices of Robert Vaage, 110 West "A" Street, Suite 1075, San Diego, CA 9201
- 2018 Ballew v. City of Pasadena (Plaintiff) (Expert Report)
Use of Force
John Burton, The Law Offices of John Burton, The Marine Building, 128 North Fair Oaks Avenue, Pasadena, California 91103
- 2018 Valverde v. City of Denver (Defense) (Expert Report)
Officer Involved Shooting
Michele Horn, Assistant City Attorney, Civil Litigation Section, City and County of Denver
- 2018 Port Authority Police Benevolent Association v. The Port Authority of New York and New Jersey (Defense) (Expert Report) (Arbitration Testimony)
Contract Dispute
Jason Stanevich, Littler, 265 Church Street, Suite 300, New Haven, CT 06510
- 2018 Smith v. Chicago (Defense) (Expert Report)
Policies and practices
Dan Nolan, Reiter-Burns, 311 S. Wacker, 5200, Chicago, IL 60606
- 2018 Carpenter v. Cleveland County Sheriff, N.C. (Plaintiff) (Expert Report) (Trial)
Officer Involved Shooting
Paul Tharp, Arnold & Smith, PLLC, 200 N. McDowell Street, Charlotte, NC 28204
- 2018 Courts v. Lee (Defense) (Deposition)
Traffic Collision
Jennifer Russel, Ford, Walker, Haggerty & Behar, One World Trade Center, 27th Floor, Long Beach, CA 90831
- 2018 Studdard v. Shelby County (TN) (Plaintiff) (Expert Report) (Deposition)
Officer Involved Shooting
Daniel Seward, 4510 Chickasaw Road, Memphis, TN 38117
- 2018 Farmer/Milliner v. City of Chicago (Defense) (Expert Report)
Monell allegations
Raoul Mowatt, Chicago Law Department, 30 North LaSalle, 900, Chicago, IL 60602
- 2018 Milke v City of Phoenix (Defense) (Expert Report) (Deposition)
Allegation of wrongful conviction
Christina Retts, Wienenke Law Group, 1095 W. Rio Salado, #209, Tempe, AZ 85281

JEFFREY J NOBLE

- 2018 Kager v. Virginia Beach (Plaintiff) (Expert Report) (Deposition) (Trial)
Officer Involved shooting
Ed Brady, Brady, Fischel & Daily, LLC, 721 Melvin Ave., Annapolis, MD 21401
- 2018 Davis v. Chicago (Defense) (Expert Report) (Trial)
Employment
Howard Levine, Chicago Law Department, 30 North LaSalle, 1020, Chicago, IL 60602
- 2018 Williams v. King County, WA (Defense) (Expert Report)
Officer Involved Shooting
Dan Kinerk, King County Prosecuting Attorney's Office, 500 Fourth Avenue, Seattle, WA
- 2018 Faria v. McCarrick (Plaintiff) (Expert Report) (Deposition)
Wrongful Conviction
Bevis Schock, 7777 Bonhomme Ave., 1300, St. Louis, MO 63105.
- 2018 Zuniga v. CHP (Plaintiff) (Deposition) (Trial)
Arrest and Use of Force
Dicks and Workman, 750 B Street, 2720 Symphony Towers, San Diego, CA 92101
- 2018 Walker (Sanders) v. City of Independence, LA (Plaintiff) (Expert Report)
Pursuit
Neile deGravelles, deGravelles & Palmintier, 618 Main Street, Baton Rouge, LA 70801
- 2018 Espinoza v. City of Tracy (Defense) (Expert Report)
Reasonableness of Internal Affairs Procedures and Investigation
Jesse Maddox, Liebert Cassidy Whitmore, 5250 N. Palm Avenue, Suite 310, Fresno, CA 93704
- 2018 Luque-Villanueva v. County of San Diego (Plaintiff) (Expert Report)
Reasonableness of arrest
Jerry Steering, 4063 Birch St., Suite 100, Newport Beach, CA 92660
- 2018 Flores v. San Bernardino (Plaintiff) (Expert Report) (Deposition)
Officer Involved- Shooting
Arnoldo Casillas, Casillas & Associates, 3777 Long Beach Blvd, Long Beach, CA 90807

NOBLE

Consulting and Expert Witness Services, LLC

September 22, 2023

[REDACTED]
[REDACTED]
Sonoma County District Attorney's Office
600 Administration Drive, Rm 212J
Santa Rosa, CA 95403

Re: David Pelaez

Dear [REDACTED]:

At your request, I have reviewed material¹ related to the Sonoma County Sheriff's Office shooting death of David Pelaez. This letter will outline my opinions regarding the use of deadly force by Deputy Dietrick.

Background

On July 29, 2022, at about 8 AM, Deputy Dietrick, of the Sonoma County Sheriff's Office (SCSO), responded to a call of an abandoned Nissan sedan in a remote area of Sonoma County that consisted of vineyards, ranch property, and open space. Deputy Dietrick could not determine if the vehicle had been stolen, so he advised the homeowner to have the vehicle towed from the property. Deputy Dietrick was then dispatched to a neighboring property where it was reported that a man, later determined to be Mr. Pelaez, had thrown a large rock and shattered a large glass window.

Deputy Dietrick spoke with the homeowner, Mr. [REDACTED], who said he was working in his home office when he saw Mr. Pelaez carrying several large boulders. Mr. Pelaez approached the fountain outside Mr. [REDACTED] office window, drank from the fountain, then dropped to his knees and rolled around on the ground. Mr. [REDACTED] said Mr. Pelaez was barefoot, he seemed odd, and appeared lethargic. Mr. Pelaez approached the office french doors and threw a boulder shattering the glass door. Mr. [REDACTED] retrieved a handgun, chased Mr. Pelaez from his property and fired two warning rounds at Mr. Pelaez.

¹ See, Attachment A.

[REDACTED]

Mr. Pelaez entered a truck that was on Mr. [REDACTED]'s property that belonged to a gardener, Mr. [REDACTED]. Mr. [REDACTED] saw that Mr. Pelaez was trying to steal his truck, so he reached through the open driver's window trying to prevent Mr. Pelaez from fleeing, but Mr. Pelaez accelerated the vehicle dragging Mr. [REDACTED] for about 20 feet before Mr. [REDACTED] could let go.

Mr. Pelaez drove a short distance before he got the truck stuck in a ditch. Mr. Pelaez abandoned the truck and went on foot to Mr. [REDACTED]'s home which was nearby. Mr. [REDACTED] said Mr. Pelaez appeared disheveled, dirty and "out of it." Mr. [REDACTED] said he believed that Mr. Pelaez, who was holding several large rocks, was on methamphetamine. Mr. [REDACTED] said he was afraid, so he went inside his home to retrieve a handgun and had his girlfriend call 911. As his girlfriend called 911, Mr. [REDACTED] received a call from his neighbor, Mr. [REDACTED], who told him what had happened at his property.

Mr. [REDACTED] said he tried to speak to Mr. Pelaez in both English and Spanish and told Mr. Pelaez to sit down and wait for the police. Instead of complying, Mr. Pelaez fled eastbound and Mr. [REDACTED] followed him on foot. At one point, Mr. Pelaez turned and told Mr. [REDACTED] to shoot him while holding the boulders in his hands. Fearful of Mr. Pelaez, Mr. [REDACTED] retreated and last saw Mr. Pelaez fleeing down a steep hill.

Deputies Dietrick and Powers responded to Mr. [REDACTED]'s home and Mr. [REDACTED] drove the deputies in his side-by-side ATV to the area where he last saw Mr. Pelaez. While searching the area, the deputies were notified by a ranch hand that Mr. Pelaez had stolen a side-by-side ATV. The deputies, being driven by Mr. [REDACTED], located the stolen ATV that was still running and apparently stuck. Deputy Dietrick took the keys and he and Deputy Powers began on foot in the direction that they believed Mr. Pelaez had fled.

Both deputies were wearing Body Worn Cameras (BWC) and the videos show the terrain in the open space to be very rough. The ground was rocky, there were steep hills, dense vegetation, and a creek running through the property. The deputies followed Mr. Pelaez for about an hour and 15 minutes before locating him near the creek. The deputies tried to de-escalate the situation by speaking in a calm voice, asking Mr. Pelaez if he needed water, and trying to speak with him in both English and broken Spanish (neither deputy was a Spanish speaker), but Mr. Pelaez would not comply with the deputies. The deputies saw that Mr. Pelaez was carrying a hammer and a metal hand-tiller.

As the deputies approached, Mr. Pelaez picked up a rock that Deputy Dietrick described as a little smaller than a volleyball and raised his hand as if to throw the rock at Deputy Powers. Deputy Powers retreated and Mr. Pelaez did not throw the rock and instead he continued to flee.

When the deputies caught up to Mr. Pelaez again, they gave him commands to drop his weapons, but Mr. Pelaez did not comply and instead began to incoherently scream at the police helicopter that was now circling overhead.

[REDACTED]

Deputy Dietrick drew his handgun and confronted Mr. Pelaez. Mr. Pelaez walked toward Deputy Dietrick and raised a rock overhead in his right hand and raised his left hand that was holding the hammer and hand-tiller. Mr. Pelaez then went to his knees and dropped the rock from his right but continued to hold the hammer and metal tiller in his left hand. Mr. Pelaez then stood back up. During this time, Deputy Powers was approaching the scene with his taser drawn. Mr. Pelaez then bent down and picked up the rock and as he does so, Deputy Dietrick fired three rounds from his handgun striking Mr. Pelaez. Simultaneously, Deputy Powers fired his taser at Mr. Pelaez. Mr. Pelaez fell to the ground as he was struck by the bullets and he ultimately died from his wounds.

Generally Accepted Police Practices in the Use of Force

Police officers are trained about the U.S. Supreme Court's landmark decisions in *Graham v. Connor* and *Tennessee v. Garner*. Those decisions held that to determine whether the force used to affect a particular seizure is reasonable, one must balance the nature and quality of the intrusion on the individual's rights against the countervailing government interests at stake. This balancing test is achieved by the application of what the Court labeled the objective reasonableness test. The factors to be considered include in *Graham* and *Garner*: 1.) The severity of the crime, 2.) Whether the suspect poses an immediate threat to the safety of the officers or others, and 3.) Whether the suspect is actively resisting or attempting to evade arrest by flight.

Whether one's actions were objectively reasonable cannot be considered in a vacuum, but must be considered in relation to the totality of the circumstances. The standard for evaluating a use of force reflects deference to the fact that peace officers are often forced to make split-second judgments in tense circumstances concerning the amount of force required. The reasonableness of a particular use of force must be judged from the perspective of a reasonable Deputy on the scene, rather than with the 20/20 vision of hindsight. Police officers are trained and prepared to assess dangerous situations and respond accordingly. Police officers are trained that for their force to be appropriate the level and manner of force must be proportional to the level of resistance and threat with which they are confronted. Proportionality is best understood as a range of permissible conduct based on the totality of the circumstances, rather than a set of specific, sequential, predefined force tactics arbitrarily paired to specified types or levels of resistance or threat.

Whether or not the suspect poses an immediate threat to the safety of the Deputy or others is the most important of the *Graham* and *Garner* factors. There must be objective factors to justify an immediate threat, as a simple statement by a deputy that he fears for his safety or the safety of others is insufficient. There is no requirement that a deputy wait until a suspect inflicts harm to confirm that a serious threat of harm exists, but merely a subjective fear or a hunch will not justify the use of force by police. To determine if there was an immediate threat that would justify the use of deadly force, one must consider whether a reasonable deputy in Deputy Dietrick's position, knowing only the information know at the time by Deputy Dietrick would believe the subject posed an immediate threat of death or serious bodily injury to Deputy Dietrick



or others.²

Conclusions

As discussed above, police officers' uses of force are reviewed based on the totality of the circumstances known to the officer at the moment he or she uses force. Here, in evaluating the totality of the circumstances, Deputy Deitrick knew:

- Mr. Pelaez went to a nearby residence and threw a rock breaking a window.
- The homeowner, Mr. [REDACTED], confronted Mr. Pelaez and fired warning shots at Mr. Palaez.
- Mr. Pelaez then stole a pickup truck that belonged to Mr. [REDACTED], dragged Mr. [REDACTED] for about 20 feet, and fled the area.
- Mr. Pelaez abandoned the pickup truck when he got stuck in a ditch and confronted a second homeowner, Mr. [REDACTED].
- Mr. Pelaez got on his knees, was crying and asked Mr. [REDACTED] i to shoot him.
- Mr. Pelaez fled again when Mr. [REDACTED] pointed a handgun at him.
- Mr. Pelaez stole a side-by-side ATV and fled the area.
- Deputy Dietrick located the ATV that was still running and appeared to have become stuck near a creek. Deputy Dietrick took the ATV's keys and continued to pursue Mr. Pelaez.
- The deputies located Mr. Pelaez after pursuing him for about an hour over very rough terrain.
- Mr. Pelaez was barefoot which would have made his flight through the remote terrain very difficult and likely painful.
- Mr. Pelaez was holding a large cantaloupe sized rock, a hammer and a metal hand-tiller.
- The deputies tried to de-escalate the situation with Mr. Pelaez by speaking in a calm voice asking if he wanted water. The deputies, neither of whom were Spanish speakers, tried to communicate with Mr. Pelaez in Spanish.
- The deputies communicated with one another assigning Deputy Dietrick to lethal force and Deputy Powers to less-lethal (taser). It is a generally accepted practice in policing to assign officers responsibilities in a situation where force may become necessary. While Deputy Dietrick was assigned to have his handgun out of his holster, it doesn't mean that the decision to use lethal force was made at that point. Similarly, Deputy Powers drawing his taser doesn't mean that a use of less-lethal force would have been appropriate at that point. Rather, the officers were acting according to generally accepted police practices in having these tools available should they become necessary.
- A police helicopter arrived in the area just as the deputies located Mr. Pelaez.

² See, CA POST LD 20 and Cal. Penal Code section 835a.



- Sergeant Berg and Deputy Clegg were responding, but they were 15-20 minutes behind the other deputies and a reasonable deputy would have known that it would take these deputies a significant amount of time to both locate them and get to them.
- Deputy Dietrick was in uniform and pointing a handgun at Mr. Pelaez and Mr. Pelaez walked toward him.
- Deputy Dietrick gave Mr. Pelaez commands to “Drop it,” and “Drop it now!”
- Mr. Pelaez was holding a large rock in his right hand and a hammer and a metal tiller in his left hand.
- Mr. Pelaez raised both of his hands overhead, looked up likely toward the circling helicopter, screamed, then bent down and rested his hands on his knees before dropping the rock to the ground.
- Mr. Pelaez continued to hold the hammer and metal tiller.
- Deputy Dietrick continued to give Mr. Pelaez commands to “Put it down.”

The view from Deputy Powers BWC video shows that Deputy Dietrick did not have any cover, appeared to be within 10-15 feet of Mr. Pelaez, and there was no cover immediately available to Deputy Dietrick if he tried to retreat.

Deputy Dietrick’s BWC video shows that Mr. Pelaez bent down and picked up the rock with his right hand. The view from Deputy Power’s BWC video just prior to the shots reveals that Mr. Pelaez’s body was in a position where he could quickly throw the rock at Deputy Dietrick.



Deputy Dietrick's BWC camera shows that Mr. Pelaez picked up the rock and was beginning to stand back up. A frame of the video reveals that Mr. Pelaez raised the rock to about his knee level before he dropped the rock.³ A split-second after Mr. Pelaez dropped the rock, Deputy Dietrick fired his handgun. The slide of Deputy Dietrick's handgun is back just 3 frames after Mr. Pelaez dropped the rock indicating Deputy Dietrick had fired his first round (there are 29 frames per second in the video).⁴

A reasonable police officer, knowing all of the facts and circumstances known to Deputy Dietrick, would have believed that Mr. Pelaez's actions by picking up the rock that they were at imminent threat of death or serious bodily injury. A reasonable police officer would believe that the size of the rock allowed it to be thrown and was large enough that if struck they could suffer a seriously bodily injury or death. Here, Deputy Dietrick was moving parallel to Mr. Pelaez as Mr. Pelaez walked along the creek. It was Mr. Pelaez, not Deputy Dietrick, who created the confrontation as Mr. Pelaez moved out of the creek and up the embankment.

Based on the totality of the circumstances known to Deputy Dietrick at the moment he used deadly force, I am of the opinion that his use of deadly force was objectively reasonable and consistent with generally accepted police practices. It is my opinion that a reasonable police officer knowing all the facts known by Deputy Dietrick would have believed that Mr. Pelaez was likely going to throw the rock at him as he was in a throwing position and he bent down to pick up the rock even though he was being held at gun point, and that if Deputy Dietrick were struck by the rock he could suffer great bodily injury or death.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

JEFF NOBLE

³ Dietrick Body Camera Clip 813.

⁴ Dietrick Body Camera Clip 816.



Attachment D



CORONER DIVISION

Jamie Scardina, Sheriff-Coroner
Marin County Sheriff's Office
1600 Los Gamos Drive, Suite 200, San Rafael, CA 94903
Phone: 415-499-6043 Fax: 415-499-6048

AUTOPSY PROTOCOL

FILE NUMBER: CR22-226

NAME OF DECEDENT: DAVID CHAVEZ

DATE OF AUTOPSY: August 2, 2022

DIAGNOSES:

- I. Penetrating gunshot wound to head, with:
 - A. Perforations of base of skull and cerebellum.
 - B. Basilar skull fractures.
 - C. Subarachnoid and subdural hemorrhages.
- II. Penetrating gunshot wound to chest, with:
 - A. Perforations of sternum, right lung and right second rib.
 - B. Hemothorax, right (250 cc).
- III. Graze gunshot wound to left arm.
- IV. Small abrasions, torso and extremities.
- V. Dilation of the heart (370 grams).
- VI. Focal occlusion, proximal left anterior descending coronary artery.
- VII. Steatosis of the liver, slight.
- VIII. Acute methamphetamine intoxication (see separate Toxicology Report).

CAUSE OF DEATH: PENETRATING GUNSHOT WOUNDS TO HEAD AND TORSO

OTHER SIGNIFICANT CONDITIONS: ACUTE METHAMPHETAMINE INTOXICATION

"I hereby certify that I, Joseph I. Cohen, M.D., Chief Forensic Pathologist of Marin County, have performed an autopsy on the body of David Chavez on the 2nd day of August, 2022 commencing at 9:35 a.m. at the Chapel of the Hills Funeral Home in San Anselmo, California."

This examination was assisted by Emily Mandel, Jessica Cantwell and Roger Fielding of the Marin County Sheriff's Office, Coroner Division, Sheriff's Office. Examination was attended by members of the Sonoma County District Attorney's Office and Santa Rosa Police Department.

The examination commenced by breaking red body bag seals bearing the numbers 4338909 and 3594672. Upon completion of the examination, a blue seal bearing the number 580090 is affixed to the body bag.

EXTERNAL EXAMINATION:

The body is of a well developed, well nourished man whose appearance is consistent with the given age of 36 years.

The scalp hair is dark, short and scant. There are multiple tattoos on the body. There is patchy skin slippage on the body surfaces. The ocular conjunctivae are free of petechiae, jaundice or hemorrhage. The oral cavity has natural teeth in fair to good condition. There are no injuries to the buccal mucosa. The eyes, ears, nose and mouth are normally developed. The nasal septum is intact. The neck is symmetrical and free of injury. Injuries to the body are described below. The external genitalia are of a normal, non-circumcised, adult man. There is a mustache and beard. The posterior neck, back and buttocks are free of injury. There are no injuries to the perianal area.

There are no apparent scars on the wrists. The fingernails are of short to moderate length with focal accumulations of dirt. Injuries to the hands and right foot are described below. There is no appreciable edema of the extremities. Bags were placed over the hands prior to receipt of the decedent. The bags are removed and discarded. A red identification band encircles the left ankle.

POSTMORTEM CHANGES: The decedent is received unembalmed and generally well preserved with early signs of postmortem putrefaction with skin slippage on the body surfaces. Rigor mortis is absent. Livor mortis is slight to moderate, and the body is cool.

CLOTHING: The decedent, upon receipt, is clad only in denim pants and underpants. There are no upper garments, shoes or socks on the decedent at the time of this examination. The clothing is removed and submitted to the Santa Rosa Police Department.

THERAPEUTIC PROCEDURES: There is a transparent adhesive attached to the left upper chest, covering a gunshot wound defect. Gunshot wound injuries are described below. Heart monitoring pads are on the front of the right shoulder, on the left shoulder, and both sides of the lower abdomen. A defibrillator pad is on the mid left chest.

INJURIES, EXTERNAL AND INTERNAL: There are body surface abrasions of the torso and extremities. A superficial, approximate 4 inch long by 1/16 to 1/4 inch wide curvilinear abrasion is on the left lower quadrant of the abdomen. Small, approximate 1/8 inch superficial abrasions

are on the right knee and proximal right shin. A 1/8 inch abrasion is on the medial aspect of the right foot. There are a couple of approximate 1/8 inch superficial defects on the plantar surface of the right foot. Several minute superficial abrasions are on the dorsum of the left middle and little fingers. Several approximate 1/8 inch superficial abrasions are on the dorsum of the right hand. A slender 1/4 to 3/8 inch linear defect is on the base of the right thumb.

There are three gunshot wounds to the body, including a penetrating gunshot wound to the head, a penetrating gunshot wound to the chest and a graze gunshot wound to the left arm.

PENETRATING GUNSHOT WOUND TO HEAD

There is a penetrating gunshot wound to the left side of the head consisting of a 3/16 inch circular defect containing a 1/8 inch margin of abrasion adjacent to the left ear canal, 6 inches below the top of the head and 3 1/4 inch to the left of midline. There is no apparent fouling or stippling of the adjacent skin. After perforating the skin, the projectile perforated the left ear canal and entered the base of the cranial cavity at the anterior aspect of the left occipital bone. The projectile then perforated the base of the cerebellum prior to exiting the posterior fossa at the base of the right occipital bone. There is bilateral subdural and subarachnoid hemorrhage at the base of the brain and brainstem.

A deformed, medium to large caliber, jacketed projectile is removed from the subcutaneous tissue of the right suboccipital scalp adjacent to the lateral aspect of the right side of the neck. The projectile, along with a small fragment recovered from the posterior fossa, are submitted to the Santa Rosa Police Department.

The direction of travel of the projectile is left to right and slightly front to back.

PENETRATING GUNSHOT WOUND TO CHEST

There is a penetrating gunshot wound to the left upper aspect of the chest consisting of a 1 3/4 inch oval defect containing a margin of abrasion on the left (lateral) aspect of the defect. The entrance wound is 12 inches below the top of the head and 1 inch to the left of midline. There is no fouling or stippling of the adjacent skin.

After perforating the skin of the chest, the projectile perforated and caused a large defect on the right edge of the manubrium of the sternum, then perforated the upper lobe of the right lung (graze wound of the lung) and the right second rib. There is marked soft tissue hemorrhage associated with the gunshot wound.

A deformed, medium to large caliber, jacketed projectile is removed from the deep soft tissue of the right anterior axillary region and is submitted to the Santa Rosa Police Department.

The direction of travel of the projectile is left to right and slightly front to back.

GRAZE GUNSHOT WOUND TO LEFT ARM

There is a graze gunshot wound to the anterolateral aspect of the distal left arm consisting of a 1 3/4 inch soft tissue defect containing a 3/16 inch margin of abrasion at the lateral aspect of the defect.

The direction of travel of the projectile is left to right and slightly upward based on the normal anatomic position as a reference.

COMMENT: The graze gunshot wound to the left arm may be associated with the penetrating gunshot wound to the left chest (i.e., consistent with the same projectile grazing the left arm then entering the left upper chest).

INTERNAL EXAMINATION:

BODY CAVITIES: The organs are in their usual situs. Approximately 250 cc of blood are in the right pleural cavity. The right lung is slightly atelectatic. There are no pericardial, left pleural or peritoneal liquid accumulations. The surfaces are smooth and glistening.

HEAD: Injuries to the head were described above. The uninjured portions of the 1320 gram brain have normal appearing gyri and sulci. The leptomeninges are smooth, delicate and transparent, and the leptomeningeal vessels are normal. The arteries at the base of the brain are free of atherosclerosis. The cranial nerves have normal distributions. The surfaces of the brainstem and cerebellum are unremarkable, except where noted previously.

The cortical gray matter, subcortical and deep white matter, deep gray nuclei and ventricles are normal. The cerebrospinal fluid is clear. Horizontal sections of the brainstem and cerebellum are unremarkable, except for the gunshot wound injury to the base of the cerebellum noted above.

NECK: The cervical vertebrae, hyoid, tracheal and laryngeal cartilages and paratracheal soft tissues are normal. The upper airway is not obstructed. The tongue is unremarkable.

CARDIOVASCULAR SYSTEM: The aorta and branches show fatty streaks only, without appreciable atherosclerotic change. The vena cavae and pulmonary arteries have no thrombus or embolus.

The moderately to markedly dilated 370 gm heart has a normal distribution of right dominant coronary arteries. The epicardial vessels show less than 10 to 20% multifocal narrowing except for a small, approximate 1 millimeter diameter left anterior descending artery that shows 100% occlusion by soft plaque on the proximal aspect of the artery. The myocardium is uniformly red-brown without hemorrhage, softening or pallor. The left ventricle wall thickness measures 1.0 cm. The endocardial surfaces, heart valves, chordae tendineae and papillary muscles are normal.

RESPIRATORY SYSTEM: The right lung weighs 550 gm, and the left lung, 470 gm. The left lung is well inflated; the right lung is slightly atelectatic. A graze gunshot wound to the upper lobe of the right lung was mentioned above. There is contusional injury to the upper lobe of the right

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lung associated with the gunshot wound. The remaining lung segments are soft and spongy without consolidation. The bronchi are not obstructed. The vessels have no thrombus or embolus.

LIVER, GALLBLADDER, PANCREAS: The 1840 gm liver has a smooth, intact capsule. The parenchyma is slightly and diffusely yellow consistent with slight steatosis of the liver. The bile ducts are unremarkable. The gallbladder contains only several drops of dark green viscid bile without stones. The pancreas is uniformly tan-gray and has a normal lobular appearance.

HEMIC AND LYMPHATIC SYSTEMS: The 80 gm spleen has a smooth, intact capsule. The parenchyma is plum colored and moist with distinct follicles. There are no lymph node enlargements. The thymus is atrophic. The bone marrow of the ribs and clavicles is unremarkable.

GENITOURINARY SYSTEM: The right kidney weighs 140 grams, and the left kidney, 120 grams. The cortices are slightly finely granular. The parenchyma is red and wet with demarcated corticomedullary junctions. The vessels are free of significant atherosclerosis. The calyces and pelves are empty, opening into ureters which maintain uniform caliber and open into an unremarkable urinary bladder containing approximately 2 cc of cloudy urine.

The prostate is symmetrical with uniformly tan-gray cut surfaces. The testes appear small and free of injury.

ENDOCRINE SYSTEM: The pituitary, in situ, is unremarkable. The thyroid is symmetrical with uniform, dark red, glandular appearing cut surfaces. The adrenals are unremarkable, containing maroon medullae covered by thin, golden yellow cortices.

DIGESTIVE SYSTEM: The esophagus is unremarkable. The stomach contains approximately 100 cc of light beige liquid admixed with slight quantities of small particulates. The small and large intestines, and appendix are unremarkable.

MUSCULOSKELETAL SYSTEM: The musculature is well developed and normally distributed. Fractures of the skeleton were noted above.

The following specimens are retained for possible toxicological evaluation: Iliac blood, blood from the right chest cavity (multiple) and vitreous. A gray top tube containing chest blood is submitted to the Santa Rosa Police Department.

Routine tissue samples are collected and placed in formalin.

Blood is retained in separate red and purple top tubes (two purple tops). One purple top blood sample is submitted to the Santa Rosa Police Department, and separate red and purple top tubes are retained at the Marin County Sheriff's Office, Coroner Division.

Radiographs are obtained prior to the examination.

Photographs are obtained by Chief Deputy Coroner Roger Fielding and by law enforcement.

Blood droplets are placed on two separate Whatman cards; one card is submitted to the Santa Rosa Police Department and one card is retained.

Clothing and ballistic evidence is submitted to the Santa Rosa Police Department.

Coins and currency from the left front pant pocket consisting of a ten dollar bill, a five dollar bill and currency are submitted to Chief Deputy Roger Fielding.

Body camera footage is received and reviewed by the undersigned. A two page investigation report authored by the Santa Rosa Police Department is also received and reviewed by the undersigned.

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Coroner Division



Joseph I. Cohen, M.D.
Chief Forensic Pathologist

12-12-22

Date



NMS Labs

CONFIDENTIAL

200 Welsh Road, Horsham, PA 19044-2208
Phone: (215) 657-4900 Fax: (215) 657-2972
e-mail: nms@nmslabs.com

Robert A. Middleberg, PhD, F-ABFT, DABCC-TC, Laboratory Director

Toxicology Report

Report Issued 09/30/2022 15:00

To: 10345
Marin County Sheriff-Coroner
Attn: Investigating Officer
1600 Los Gamos Dr - Ste 205
San Rafael, CA 94903

Patient Name: CHAVEZ, DAVID P
Patient ID: CR22-226
Chain: NMSCP-198743
DOB: 06/28/1986
Sex: Male
Workorder: 22290375

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Positive Findings:

Table with 4 columns: Analyte, Result, Units, Matrix Source. Rows include Ethanol, Blood Alcohol Concentration (BAC), Beta-Phenethylamine, Nicotine, Caffeine, Cotinine, Amphetamine, Methamphetamine, and Amphetamine with their respective results and units.

See Detailed Findings section for additional information

Testing Requested:

Table with 2 columns: Test, Test Name. Rows include 8051B Postmortem, Basic, Blood (Forensic) and 8092B Postmortem, Expert, Blood (Forensic).

Tests Not Performed:

Part or all of the requested testing was unable to be performed. Refer to the Analysis Summary and Reporting Limits section for details.

Specimens Received:

Table with 6 columns: ID, Tube/Container, Volume/Mass, Collection Date/Time, Matrix Source, Labeled As. Rows 001-006 detailing specimen collection details.



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Workorder 22290379
Chain NMSCP198743
Patient ID CR22-226

Page 2 of 5

All sample volumes/weights are approximations.
Specimens received on 08/10/2022.

Detailed Findings:

Table with 6 columns: Analysis and Comments, Result, Units, Rpt. Limit, Specimen Source, Analysis By. Rows include Ethanol, Blood Alcohol Concentration (BAC), Beta-Phenethylamine, Nicotine, Caffeine, Cotinine, Amphetamine, Methamphetamine, and Ethanol (Iliac Blood).

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Marin County Sheriff's Office
Coroner Division

Other than the above findings, examination of the specimen(s) submitted did not reveal any positive findings of toxicological significance by procedures outlined in the accompanying Analysis Summary.

Reference Comments:

1. Amphetamine - Iliac Blood, Chest Cavity Blood:

Amphetamine (Adderall, Dexedrine) is a central nervous system stimulant. Amphetamine is also a metabolite of methamphetamine, benzphetamine and selegiline. It is used therapeutically in the treatment of narcolepsy and obesity and also in the treatment of attention-deficit hyperactivity disorder (ADHD).

Following a single oral dose of 10 mg amphetamine sulfate, a reported peak blood concentration of 40 ng/mL was reached at 2 hr. Following a single 30 mg dose to adults, an average peak plasma level of 100 ng/mL was reported at 2.5 hr.

Overdose with amphetamine can produce restlessness, hyperthermia, convulsions, hallucinations, respiratory and/or cardiac failure. Reported blood concentrations in amphetamine-related fatalities ranged from 500-41000 ng/mL (mean 9000 ng/mL).



Reference Comments:

- 2. Ethanol (Ethyl Alcohol) - Iliac Blood, Chest Cavity Blood:

Ethyl alcohol (ethanol, drinking alcohol) is a central nervous system depressant and can cause effects such as impaired judgment, reduced alertness and impaired muscular coordination.

- 3. Methamphetamine - Chest Cavity Blood:

d-Methamphetamine is a DEA schedule II stimulant drug capable of causing hallucinations, aggressive behavior and irrational reactions. Chemically, there are two forms (isomers) of methamphetamine: l- and d-methamphetamine.

A peak blood concentration of methamphetamine of 20 ng/mL was reported at 2.5 hr after an oral dosage of 12.5 mg. Blood levels of 200-600 ng/mL have been reported in methamphetamine abusers who exhibited violent and irrational behavior.

*In this case, the level of methamphetamine determined has not been differentiated according to its isomeric forms. Differentiation of the isomers of methamphetamine is available upon request.

Unless alternate arrangements are made by you, the remainder of the submitted specimens will be discarded two (2) years from the date of this report; and generated data will be discarded five (5) years from the date the analyses were performed.

Workorder 22290379 was electronically signed on 09/30/2022 14:19 by:

Brianna Peterson (handwritten signature)

Brianna L. Peterson, Ph.D., F-ABFT
Forensic Toxicologist

Analysis Summary and Reporting Limits:

All of the following tests were performed for this case. For each test, the compounds listed were included in the scope. The Reporting Limit listed for each compound represents the lowest concentration of the compound that will be reported as being positive.

Test 50010B - Amphetamines Confirmation, Blood - Iliac Blood

-Analysis by High Performance Liquid Chromatography/ Tandem Mass Spectrometry (LC-MS/MS) for:

Table with 4 columns: Analyte, Rpt. Limit, Analyte, Rpt. Limit. Rows include Amphetamine (5.0 ng/mL), MDMA (5.0 ng/mL), MDA (5.0 ng/mL), Methamphetamine (N/A), and MDEA (5.0 ng/mL).

Not Reported: Methamphetamine: Test was canceled due to [Analysis failed; QNS to repeat].

Test 52250B - Alcohols and Acetone Confirmation, Blood - Chest Cavity Blood

-Analysis by Headspace Gas Chromatography (GC) for:

Table with 4 columns: Analyte, Rpt. Limit, Analyte, Rpt. Limit. Rows include Acetone (5.0 mg/dL) and Ethanol (10 mg/dL).



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Analysis Summary and Reporting Limits:

Table with 4 columns: Analyte, Rpt. Limit, Analyte, Rpt. Limit. Includes Isopropanol and Methanol. Includes a red stamp: CONTROLLED DOCUMENT, Duplication or Reissuance, Forbidden by Law, 12/19/2022, Released by: Marin County Sheriff's Office, Coroner Division.

Table with 4 columns: Analyte, Rpt. Limit, Analyte, Rpt. Limit. Includes Acetone, Ethanol, Isopropanol, and Methanol.

Test 52483B - Amphetamines Confirmation, Blood - Chest Cavity Blood

-Analysis by High Performance Liquid Chromatography/ Tandem Mass Spectrometry (LC-MS/MS) for:

Table with 4 columns: Analyte, Rpt. Limit, Analyte, Rpt. Limit. Lists various amphetamines and their limits.

Test 8051B - Postmortem, Basic, Blood (Forensic) - Iliac Blood

-Analysis by Enzyme-Linked Immunosorbent Assay (ELISA) for:

Table with 4 columns: Analyte, Rpt. Limit, Analyte, Rpt. Limit. Lists various substances and their limits.

-Analysis by Headspace Gas Chromatography (GC) for:

Table with 4 columns: Analyte, Rpt. Limit, Analyte, Rpt. Limit. Lists Acetone, Ethanol, Isopropanol, and Methanol.

Test 8092B - Postmortem, Expert, Blood (Forensic) - Chest Cavity Blood

-Analysis by Enzyme-Linked Immunosorbent Assay (ELISA) for:

Table with 4 columns: Analyte, Rpt. Limit, Analyte, Rpt. Limit. Lists Benzodiazepines, Buprenorphine, Cannabinoids, Cocaine, Opiates, Oxycodone, and Salicylates.



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Analysis Summary and Reporting Limits:

-Analysis by Gas Chromatography/Mass Spectrometry (GC/MS) for:

The following is a general list of analyte classes included in the Gas Chromatographic screen. The detection of any specific analyte is concentration dependent. Note, not all known analytes included in each specified class are included. Some specific analytes outside of these classes are also included. For a detailed list of all analytes and reporting limits included in this screen, please contact NMS Labs. Amphetamines, Analgesics (opioid and non-opioid), Anorectics, Antiarrhythmics, Anticholinergic Agents, Anticonvulsant Agents, Antidepressants, Antiemetic Agents, Antihistamines, Antiparkinsonian Agents, Antipsychotic Agents, Antitussive Agents, Antiviral Agents, Calcium Channel Blocking Agents, Cardiovascular Agents (non-digitalis), Local Anesthetics Agents, Muscle Relaxants and Stimulants (Amphetamine-like and others).

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Coroner Division

-Analysis by Gas Chromatography/Mass Spectrometry (GC/MS) for: Anesthetics, Anticoagulant Agents, Antifungal Agents, Antihypertensive Agents, Anxiolytics (Benzodiazepine and others), Hypnosedatives (Barbiturates, Non-Benzodiazepine Hypnotics, and others) and Non-Steroidal Anti-Inflammatory Agents (excluding Salicylate).

-Analysis by Headspace Gas Chromatography (GC) for:

Analyte	Rpt. Limit	Analyte	Rpt. Limit
Acetone	5.0 mg/dL	Isopropanol	5.0 mg/dL
Ethanol	10 mg/dL	Methanol	5.0 mg/dL